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# ZIEMER, KENT, AND LEROY NOMINATIONS

# HEARING

BEFORE THE

## COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON THE

NOMINATIONS OF PAUL L. ZIEMER TO BE ASSISTANT SECRETARY, ENVIRONMENT, SAFETY, AND HEALTH, DEPARTMENT OF ENERGY; CALVIN A. KENT TO BE ADMINISTRATOR, ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY; AND DAVID H. LEROY TO BE NUCLEAR WASTE NEGOTIATOR

JULY 19, 1990

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# ZIEMER, KENT AND LEROY NOMINATIONS

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THURSDAY, JULY 19, 1990

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Washington, DC.*

The committee met, pursuant to notice, at 9:47 a.m., in room SD-366, Dirksen Senate Office Building, the Hon. J. Bennett Johnston, Chairman, presiding.

## OPENING STATEMENT OF HON. JAMES A McCLURE, U.S. SENATOR FROM IDAHO

Senator **MCCLURE** [presiding]. The committee will come to order. Unfortunately, the Chairman has been unavoidably delayed and has asked that I commence the hearing to expedite the hearing this morning.

This is a hearing on President Bush's nomination of Calvin A. Kent to be Administrator of the Energy Information Administration, U.S. Department of Energy; Paul L. Ziemer to be Assistant Secretary for Environment, Safety, and Health, U.S. Department of Energy; and David H. Leroy to be Nuclear Waste Negotiator. Without objection, the written testimony of each witness, the committee questionnaire and financial disclosure statements will be submitted for the record.

The rules of this committee require that any person who is before the committee for the approval of this committee with respect to their nomination by the President of the United States be sworn in connection with their testimony. Will the three of you please rise and raise your right hand?

[Whereupon, Paul L. Ziemer, Calvin A. Kent, and David H. Leroy were duly sworn by Senator McClure.]

Senator **MCCLURE**. Will you please be seated. Before you begin your statements, I will ask each of you three questions before this committee, addressed to every nominee before this committee.

Will you be available to appear before the committee and other congressional committees to represent departmental positions and respond to issues of concern to the Congress?

Dr. **ZIEMER**. I will.

Dr. **KENT**. I will.

Mr. **LEROY**. I will.

Senator **MCCLURE**. Are you aware of any personal holdings, investments or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you have been nominated by the President? Dr. Ziemer.

Dr. **Ziemer**. My investments, personal holdings and other interests have been reviewed by myself and the appropriate ethics counselors within the Federal Government. I have taken appropriate action to avoid any conflicts of interest. There are no conflicts of interest or appearances thereof to my knowledge.

Senator **McClure**. Dr. Kent.

Dr. **Kent**. My investments, holdings and other financial matters have been reviewed by the appropriate authorities within the White House and the Department of Energy. There is not, to my knowledge, any conflict of interest, and I have taken whatever action is necessary to remove same.

Senator **McClure**. Mr. Leroy.

Mr. **Leroy**. My investments, personal holdings and other interests have been reviewed by myself and the appropriate ethics counselors within the Federal Government. I have taken appropriate action to avoid any conflicts of interest. There are no conflicts of interest or appearances thereof to my knowledge.

Senator **McClure**. I have a statement from Senator Gramm of Texas who would like his statement in support of Dr. Kent inserted in the record. He would have been here personally had he been able to, but he had an unavoidable conflict. The statement, it is fair to say, strongly supports the nominee. Without objection, that statement will be inserted into the record.

I also have a statement from Senator Symms of Idaho in support of Mr. Leroy, which will also be placed in full in the record. I should also say that he is strongly in support of the nominee.

Also there are statements from Senators Lugar and Coats in support of Dr. Ziemer for the record. I have an opening statement which I would ask be placed in the record at this point.

[The prepared statements referred to follow:]

# OPENING STATEMENT OF SENATOR JAMES A. MCCLURE

## HEARING TO CONSIDER THE FOLLOWING NOMINATIONS:

PAUL L. ZIEMER TO BE AN ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, SAFETY, AND HEALTH;

CALVIN A. KENT TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION; AND

DAVID H. LEROY TO BE NUCLEAR WASTE NEGOTIATOR

July 19, 1990

GOOD MORNING. I WOULD LIKE TO BEGIN BY WELCOMING TO THE COMMITTEE TODAY OUR THREE PRESIDENTIAL NOMINEES. I AM PLEASED TO SUPPORT THE NOMINATIONS OF PAUL L. ZIEMER TO BE AN ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, SAFETY, AND HEALTH; CALVIN A. KENT TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION; AND DAVID H. LEROY TO BE NUCLEAR WASTE NEGOTIATOR.

DR. ZIEMER'S BACKGROUND IN THE FIELD OF RADIATION-HEALTH RESEARCH IS AN EXTENSIVE AND IMPRESSIVE ONE AND MAKES HIM WELL-QUALIFIED FOR THE POSITION TO WHICH HE HAS BEEN NOMINATED. FOR THE PAST 30 YEARS HE HAS BEEN DIRECTLY INVOLVED IN THE HEALTH PHYSICS PROFESSION. HE CURRENTLY SERVES AS PURDUE UNIVERSITY'S PROFESSOR OF HEALTH PHYSICS AND HEAD OF THE SCHOOL OF HEALTH SCIENCES. HE SERVED AS A PHYSICIST WITH THE U.S. NAVAL RESEARCH LABORATORY IN WASHINGTON AND AS A HEALTH PHYSICIST AT DOE'S OAK RIDGE NATIONAL LABORATORY. HE HOLDS A B.S. FROM WHEATON COLLEGE IN PHYSICS; AN M.S. FROM VANDERBILT UNIVERSITY IN RADIOLOGICAL PHYSICS; AND A PH.D. FROM PURDUE UNIVERSITY IN BIONUCLEONICS. HIS MAJOR AREAS OF CURRENT RESEARCH ARE RADIATION DOSIMETRY AND

ENVIRONMENTAL RADON RISKS.

DR. CALVIN KENT HAS WIDESPREAD EXPERIENCE IN THE AREA OF ENERGY AND UTILITY REGULATION. HE CURRENTLY HOLDS THE HERMAN W. LAY CHAIR OF PRIVATE ENTERPRISE AT BAYLOR UNIVERSITY WHERE HE ALSO DIRECTS THE CENTER FOR PRIVATE ENTERPRISE AND IS ADJUNCT PROFESSOR OF LAW AT THE BAYLOR LAW SCHOOL. PREVIOUSLY, HE WAS PROFESSOR OF ECONOMICS AT THE UNIVERSITY OF SOUTH DAKOTA AND CHIEF ECONOMIST TO THE SOUTH DAKOTA LEGISLATURE. DR. KENT HOLDS BOTH AN M.A. AND A PH.D. IN ECONOMICS FROM THE UNIVERSITY OF MISSOURI.

I AM VERY PLEASED WITH THE PRESIDENT'S DECISION TO NOMINATE DAVID LEROY TO THE NEW POSITION OF NUCLEAR WASTE NEGOTIATOR. I HAVE KNOWN MR. LEROY FOR SOME TIME AND BELIEVE HIM TO BE EXTREMELY WELL-QUALIFIED TO TAKE ON THE MOST DIFFICULT TASK OF UNCOVERING A SITE THAT WILL BECOME A TEMPORARY OR PERMANENT REPOSITORY FOR THIS NATION'S HIGH-LEVEL NUCLEAR WASTE. MR. LEROY IS A FORMER LIEUTENANT GOVERNOR AND ATTORNEY GENERAL OF IDAHO, AND CURRENTLY PRACTICES LAW IN BOISE. HE EARNED HIS J.D. FROM THE UNIVERSITY OF IDAHO AND HIS L.L.M. FROM NEW YORK UNIVERSITY.

MR. LEROY'S EXPERIENCE IN STATE POLITICS WILL BE INVALUABLE IN HIS DEALINGS WITH GOVERNORS, INDIAN TRIBAL LEADERS AND OTHERS IN AN AGGRESSIVE SEARCH FOR A TECHNICALLY SOUND REPOSITORY SITE IN A LOCATION WHERE THERE MAY BE AN INTEREST IN ACCEPTING THE REPOSITORY VOLUNTARILY.

AS MR. LEROY HAS SAID, THIS POSITION MAY, IN FACT, MAKE HIM "THE MOST UNPOPULAR PERSON IN AMERICA;" BUT THIS MISSION, WHICH HE HAS CHOSEN TO ACCEPT IF CONFIRMED, IS ONE OF UTMOST IMPORTANCE

TO THIS NATION; AND I BELIEVE WE ALL WISH HIM LUCK IN REACHING THE GOALS SET FORTH BY CONGRESS.

MR. CHAIRMAN, I AM PLEASED TO BE ABLE TO SUPPORT ALL THREE NOMINEES.

## INTRODUCTORY STATEMENT OF SENATOR PHIL GRAMM-TEXAS

Confirmation hearing of Dr. Calvin A. Kent
Senate Energy Committee
July 19, 1990

Mr. Chairman and Members of the Committee:

I would like to recommend to you Dr. Calvin Kent of Waco, Texas, the President's nominee for Administrator of the Energy Information Administration within the Department of Energy.

Following his undergraduate degree from Baylor University in 1963, Cal Kent went on to receive his Masters and Ph.D in economics from the University of Missouri. He has done post doctorate studies at the Universities of Chicago and Virginia and Wichita State University. He is one of the nation's best known economic and entrepreneurial educators. He began his teaching career at the University of Missouri and has taught at Stephens College, the University of South Dakota and Baylor University where he currently holds the Herman W. Lay Chair in Private Enterprise and the directorship of the Center for Private Enterprise.

While in South Dakota, Dr. Kent was President of the Vermillion City Council which operated its own municipal electric distribution system. He was Vice Chairman of the South Dakota Municipal Power Association. He wrote the legislation establishing the South Dakota Public Utility Commission and was a utility taxation consultant to the the South Dakota Department of Revenue.

His community service, particularly with regard to utility issues, continued following his return to Texas in 1978. He teaches courses on regulated industries, has published scores of articles and educational materials and has done extensive work in the area of utility economics and education.

Cal Kent is eminently qualified for this post. He knows the energy field. I am proud to commend to you the President's nominee for Administrator of the Energy Information Adminstration.

July 19, 1990

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

366 DIRKSEN SENATE OFFICE BUILDING

Hearing OPEN TO THE PUBLIC

Nomination of Mr. Calvin Kent to be Administrator of the Energy Information Administration; Mr. Paul Ziemer to be Assistant Secretary of Energy for Environment, Safety and Health; and Mr. David Leroy to be Nuclear Waste Negotiator.

Mr. Chairman and members of the committee, it is my privilege today to introduce and speak in support of a long-time friend, Mr. David LeRoy. Mr. LeRoy has been nominated to be the national nuclear waste negotiator.

I have every confidence that Dave will make an outstanding effort to resolve this nation's problems with storage of nuclear waste. We must make progress on establishing a monitored retrievable storage facility and a high level radioactive waste storage facility. This job is of critical importance and, hopefully, will become a position that can cut through the bureaucratic limitations hindering the Department of Energy's efforts to make progress when negotiating with the agencies and local governments concerned about the siting of these facilities.

Mr. LeRoy has served Idaho in many important positions. He began his political career as student body president at my alma mater, the University of Idaho. Even at this early stage in his life, he demonstrated tough negotiation skills by fighting efforts to impose in-state tuition on Idaho college students and by supporting a reorganization of the Student Union's building fees and bonds. The university has benefited greatly by using these student-financed bonds as collateral for many important capital-intensive projects such as building the ASUI Kibbie Activity Center.

After receiving his Juris Doctorate from the University of Idaho, he was hired by a prominent New York City law firm. From there he decided that working in Idaho was preferable to working in New York. In 1973, he returned to Idaho to serve as Deputy

Prosecuting Attorney for Ada County. Dave has never been one to waste time and in 1974, he was elected Prosecuting Attorney for Ada County. Mr. LeRoy was elected to two two-year terms in this position. For those of you unfamiliar with Idaho, Ada County is Idaho's most populous county.

In 1978, Dave ran for and was elected Idaho Attorney General. Not only did Mr. LeRoy do an outstanding job as Idaho's chief legal officer, but he also became an important leader in the state legislature. His leadership and negotiation skill was, in my opinion, the key factor in the passage of Idaho's insane but guilty law. Partially in response to the assassination attempt on President Reagan, this law led the nation by countering the often abused innocent-by-reason-of-insanity defense.

From 1983 to 1987, David LeRoy served as Lieutenant Governor and Idaho's economy went from rags to... --shall we say-- better clothes. Taking up a different strategy than the Governor at the time who repeatedly blamed the state legislature for Idaho's economic troubles, Dave knew that the key to improving the state's financial problems was to revitalize private sector economic development. As the state of Idaho's liaison with the U.S. Department of Commerce and as the Chairman of the Idaho District Export Council, Dave practically became a one-man economic development agency. Several new export markets opened up for Idaho products because of his diligent, persistent work.

Mr. LeRoy still has a vision for Idaho's future that inspires me and most Idahoans to rally around him. He brought all this experience to his attempt to become the first

Republican Idaho Governor in 16 years. The more people heard about David LeRoy, the more interested they became in his campaign. However, he narrowly lost that effort, coming within .008 percentage points of victory on election day.

David LeRoy has contributed greatly to Idaho. I am confident that he will be successful in this newly created job at the White House. As one of your fellow colleagues in the United States Senate, I strongly reccomend Mr. LeRoy to you.

Richard G. Lugar

## STATEMENT OF THE HONORABLE RICHARD G. LUGAR, SENATOR FROM THE STATE OF INDIANA

Mr. Chairman, it is an honor and a privilege to support the nomination of Dr. Paul L. Ziemer, for the position of Assistant Secretary for Environment, Safety and Health in the Department of Energy. Dr. Ziemer is a long-time Hoosier and a resident of West Lafayette, Indiana, where he currently serves as Head of the School of Health Sciences at Purdue University.

Paul Ziemer's impressive career began with the receipt of a bachelor's degree in Physics from Wheaton College in Illinois. He completed his Master's degree in Radiological Physics with a Mathematics minor from Vanderbilt University and his Ph.D. in Bionucleonics from Purdue University. Dr. Ziemer has since been on the faculty of Purdue University since 1959, serving in a variety of positions until his advancement to Head of the School of Health Sciences in 1983.

Dr. Ziemer has spent the last 30 years of his professional career engaged in the undergraduate and graduate level instruction of 290 individuals who are currently active in the health physics profession. He has co-authored 80 publications in scientific and professional journals on various aspects of health physics and bionucleonics. Dr. Ziemer is currently involved in research on Radiation Dosimetry and the environmental risks of radon and radon emanation from construction materials.

Dr. Ziemer is a member of numerous scientific and professional societies, including the Health Physics Society and the American Academy of Health Physics. Among the professional recognition awards that he has received are the Radiological Physics Fellowship, the Lederle Pharmacy Faculty Award and the E.E. Anderson Award, which is the National Award of the Health Physics Society.

I believe that Paul Ziemer possesses the knowledge, reason and commitment to public service to make him an outstanding choice for the position of Assistant Secretary for Environment, Safety and Health, Department of Energy. I have confidence that his expertise in this field will greatly benefit the Administration.

Mr. Chairman, I am honored to recommend Dr. Paul Ziemer to the Committee, and to urge the Committee's support for his confirmation.

**DAN COATS**
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**United States Senate**
WASHINGTON, DC 20510

July 19, 1990

The Honorable J. Bennett Johnston
Chairman, Senate Committee
on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Senator Johnston:

I am writing to support the nomination of Dr. Paul Ziemer to be Assistant Secretary of Energy for Environmental Safety and Health.

Dr. Ziemer has been a professor at Purdue University in Indiana for the past several years, and has distinguished himself in the health arena. Clearly with the increasing realization that the health of our environment has a direct effect on the health care of our nation, Dr. Ziemer's experience makes him an obvious choice for the position of Assistant Secretary of Energy for Environmental Safety and Health.

I wholeheartedly support the nomination of my fellow Hoosier for this important post, and urge the Committee to support him and work for swift confirmation by the United States Senate.

Thank you for your consideration in this matter.

Sincerely,

Dan

Dan Coats
United States Senator

DC:dv

## STATEMENT OF HON. J. BENNETT JOHNSTON, U.S. SENATOR FROM LOUISIANA

The **Chairman** [presiding]. Gentlemen, welcome. I am sorry I was late this morning. It was for good cause. Among other things, a car was turned over in the tunnel, which delayed my whole morning. I think the next thing on the agenda is statements by the nominees. Dr. Ziemer is first on the list.

## STATEMENT OF DR. PAUL L. ZIEMER, NOMINEE TO BE ASSISTANT SECRETARY, ENVIRONMENT, SAFETY, AND HEALTH, DEPARTMENT OF ENERGY

Dr. **Ziemer**. Mr. Chairman and distinguished members of the committee, I am pleased and honored to appear before you today as President Bush's nominee for the position of Assistant Secretary of Energy for Environment, Safety, and Health.

If confirmed by the Senate, I will be eager to join the team of dedicated individuals that Admiral James Watkins has brought together to deal with many of the energy-related issues that face our Nation.

My interest in environment, safety, and health goes back some 33 years, when I first entered a special training program in radiation protection, sponsored by the U.S. Atomic Energy Commission. It included academic training at Vanderbilt University, followed by an operational radiation protection practicum at the Oak Ridge National Laboratory. After that, I worked for a brief time in the Reactor Health Physics Group at Oak Ridge, before accepting a position as Radiological Control Officer at Purdue University, a position I held for about 25 years. I am a board certified health physicist and have served as national president of both the Health Physics Society and the American Board of Health Physics.

While at Purdue, I was able to complete my doctorate and obtain a faculty appointment as well. In this capacity, I was involved in the development of a full radiation protection curriculum, an environmental health sciences curriculum, and an occupational health curriculum. As teacher, researcher and administrator, I have been closely involved in many of the professional areas of concern to the Department of Energy Office of Environment, Safety, and Health.

The challenges facing the Department of Energy today are well known, not only to Congress but to the American people. Many scientists such as I have been acutely aware of the growing concerns about environment, safety, and health that permeate our society. I have been impressed during the past year by the vigorous actions and initiatives undertaken by Admiral Watkins to address the serious problems facing the Department of Energy. Clearly, Secretary Watkins has charted a new course for the DOE and has made a significant start toward instilling a new culture within the Department, a culture that recognizes the Department's responsibility to preserve our environment and to protect the health and safety of workers and the public.

When asked to consider the possibility of participating personally on the Watkins team, I welcomed the opportunity. I would come into this position not only as one who has had a great deal of operational experience in radiation protection, but also as one whose personal conviction is that mankind has a God-given responsibility to be a good steward of nature. This stewardship involves wise use of our resources in a manner that will permit appropriate economic development, while minimizing adverse impacts on human health and on the natural environment.

The Department of Energy and its contractors have had and continue to have many of our country's most talented scientists and other technical personnel on their staffs. A new management structure has been put in place which will not only optimize the use of the talented people available but will place additional strong emphasis on the independent internal oversight of environment, safety and health matters for the department. The Secretary's 10-Point Plan, which was announced in June of 1989, was intended to move the department aggressively toward full compliance and accountability in the areas of environment, safety and health. It would be both a challenge and a privilege to participate in these efforts.

I look forward to working with you, Mr. Chairman, and the members of the committee and your staff to address issues of mutual concern relating to energy, safety, health and our environment for the Department of Energy. Thank you.

[The prepared statement of Dr. Ziemer follows:]

# STATEMENT OF
# PAUL L. ZIEMER
# NOMINEE FOR THE POSITION OF ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENT, SAFETY AND HEALTH

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

JULY 19, 1990

Statement of Paul L. Ziemer July 19, 1990

Mr. Chairman and distinguished members of the Committee: I am pleased and honored to appear before you as President Bush's nominee for the position of Assistant Secretary of Energy for Environment, Safety and Health.

If confirmed by the Senate, I will be eager to join the team of dedicated individuals that Admiral James Watkins has brought together to meet the President's challenge to develop a National Energy Strategy and to deal with many of the energy-related issues that face our Nation.

Likewise, I look forward to the opportunity to work with members of the U.S. Congress and their staff members in addressing mutual concerns relating to our energy future. I am aware of the significant responsibilities that accompany this position in the Department of Energy and will make every effort to achieve the high standards that are expected of me.

## Personal Qualifications

My interest in environment, safety and health is long standing. It goes back some 33 years when I first learned of a special training program in health physics sponsored by the U.S. Atomic Energy Commission. This program included period of academic training at Vanderbilt University followed by an operational health physics (radiation protection) practicum at the Oak Ridge National Laboratory. After that I worked for a brief time in the reactor health physics group at Oak Ridge before accepting a position as Radiological Control Officer at Purdue University, a position I held for about 25 years. In that capacity, I was responsible for the radiation safety program of a major research university. I am a Board Certified Health Physicist (American Board of Health Physics) and have served as National President of both the Health Physics Society and the American Board of Health Physics. I have had hands-on experience in all aspects of radiation safety including laboratory monitoring, personnel monitoring, bioassay and whole body counting, emergency planning, radioactive waste management, facility design, decontamination, and environmental monitoring.

While at Purdue I was able to complete my doctorate and obtain a faculty appointment as well. Over the years at Purdue, our faculty group (of what is now the School of Health Sciences) developed a full health physics (radiation safety) curriculum, an environmental health sciences curriculum, and an industrial hygiene (occupational health) curriculum. As a teacher, researcher, and administrator I have been closely involved in many of the professional areas of concern to the DOE Office of Environment, Safety and Health.

## The Role of the Assistant Secretary and Philosophical Approach

The challenges facing the Department of Energy today are well known, not only to Congress, but to the American people. Many scientists, such as I, have seen and been acutely aware of the growing concerns about environment, safety and health that permeate our society. These concerns are not restricted to Federal Agencies but are present in the private sector as well. Thus I have been impressed during the past year by the vigorous actions and initiatives undertaken by Admiral Watkins to address the serious problems facing the DOE. Clearly, Secretary Watkins has charted a new course for the DOE and has made a significant start toward instilling a new culture within the Department -- a culture that recognizes the Department's responsibility to preserve our environment and to protect the health and safety of workers and the public. Recently, when asked to consider the possibility of participating personally on the Watkins team, I welcomed the opportunity. I would come into this position not only as one who has had a great deal of operational, hands-on experience in the area of radiation protection, but also as one whose personal conviction is that mankind has a God-given responsibility to be a good steward of nature. This stewardship involves wise use of our resources in a manner that will permit appropriate economic development while minimizing adverse impacts on human health and on the natural environment. Thus, an essential aspect of good management practice within an agency such as the DOE must be good performance in achieving compliance with environment, safety and health standards.

Although the Department has come under severe criticism in recent years, the DOE and its contractors have had and continue to have many of the country's most talented scientists, engineers, and other technical personnel on their staffs. A new management structure has been put in place which will not only optimize the use of the talented people available, but will place additional strong emphasis on the independent internal oversight of environment, safety and health matters for the Department. As you know, the Secretary's Ten-Point Plan which was announced in June of 1989, was intended to move the Department aggressively toward full compliance and accountability in the areas of environment, safety and health. It would be both a challenge and a privilege to participate in these efforts and to serve on Secretary Watkins' team.

I also look forward to working with you, Mr. Chairman, the Members of the Committee, and your staff to address issues relating to environment, safety and health for the Department of Energy.

The CHAIRMAN. Thank you very much, Dr. Ziemer.
Dr. Kent.

## STATEMENT OF DR. CALVIN A. KENT, NOMINEE TO BE ADMINISTRATOR, ENERGY INFORMATION ADMINISTRATION, DEPARTMENT OF ENERGY

Dr. KENT. Mr. Chairman, Senator McClure, I appreciate the opportunity to appear before you to testify as President Bush's nominee to head the Energy Information Administration. Let me review for you some of my background.

My graduate work in economics took place at the University of Missouri in Columbia, from which I received both the M.A. and the Ph.D. degrees. While working on my doctorate, I spent a brief period of time on the staff of the Senate Finance Committee.

Following completion of my doctorate, I became chief economist of the South Dakota legislature, as well as professor in the Department of Economics at the University of South Dakota. As chief economist to the South Dakota legislature, it was my responsibility not only to review all appropriations and tax measures but also to construct the economic model for the state. While there, I drafted the legislation that led to the establishment of the South Dakota Public Utilities Commission, and following its enactment, I was given the responsibility of training its staff and served as an advisor to the first commissioners.

While in South Dakota, I served as president of the Vermillion, South Dakota, City Council. The city operated its own electric distribution system and a small generating plant. In addition, I also served as vice chairman of the South Dakota Municipal Power Association.

In 1978, I left South Dakota to assume the Herman W. Lay Chair in Private Enterprise at Baylor University. At Baylor, I taught courses in economic, environmental, and utility regulation in the School of Business and in the School of Law. While in Texas, I served as the mayor of the City of Woodway. Under Texas law, the cities have original jurisdiction for all gas utility rates, as well as concurrent jurisdiction with the State Public Utility Commission for electric rate cases.

If I am confirmed as Administrator of the Energy Information Administration, it would be my primary objective to continue the production of the timely and quality reports for which EIA is known. As you are aware, EIA is not a policymaking arm of the administration. Its mission is to carry out a central, comprehensive and unified energy data and information program.

I am aware of and impressed with the caliber of people and the quality of work which has been completed by EIA. I am dedicated to the perpetuation of this quality. At this time, EIA is expanding its existing programs and venturing into new areas. One of my principal functions, should I be confirmed, is to oversee the development of the National Energy Modeling System in support of the President's National Energy Strategy.

I want this committee to be assured that I am fully informed of and in complete agreement with the congressionally-mandated independence of the EIA. It is important to me that those of you in the Senate, as well as your colleagues in the House of Representatives, have every bit as much confidence in the work and reports of the EIA as does the administration. I look forward to working with you and will be happy to answer any questions.

[The prepared statement of Dr. Kent follows:]

STATEMENT OF
CALVIN A. KENT
NOMINEE FOR ADMINISTRATOR OF THE
ENERGY INFORMATION ADMINISTRATION
DEPARTMENT OF ENERGY
BEFORE THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
JULY 19, 1990

# STATEMENT OF CALVIN A. KENT
# NOMINEE FOR ADMINISTRATOR OF THE
# ENERGY INFORMATION ADMINISTRATION
# DEPARTMENT OF ENERGY
# BEFORE THE
# COMMITTEE ON ENERGY AND NATURAL RESOURCES
# UNITED STATES SENATE

Mr. Chairman and Distinguished Members of the Committee, I appreciate the opportunity to testify before you as President Bush's nominee to become Administrator of the Energy Information Administration of the U.S. Department of Energy. Let me review my background for you. My graduate work in Economics took place at the University of Missouri in Columbia from which I received both the M.A. and the Ph.D. degrees. While working on my doctorate, I spent a brief period of time with the Senate Finance Committee as a consultant to the late Senator Karl Mundt of South Dakota who was then a member of that Committee.

Following completion of my doctorate, I became Chief Economist for the South Dakota Legislative Research Council as well as a professor in the Department of Economics at the University of South Dakota in Vermillion. As Chief Economist to the South Dakota legislature, it was my responsibility to not only review all appropriations and tax measures but to construct an economic model for the State which was used for budgetary analysis and the evaluation of policy options being considered by the legislature.

While there, I drafted the legislation that led to the establishment of the South Dakota Public Utilities Commission. Following its enactment, I was given the responsibility of training the Commission's original staff and served as an advisor to the Commissioners.

While in South Dakota, I also served as President of the Vermillion, South Dakota, City Council. The City operated its own electric distribution system and a small electric generating plant. In addition, I served as Vice Chairman of the South Dakota Municipal Power Association.

In 1978, I left South Dakota to assume the Herman W. Lay Chair in Private Enterprise at Baylor University in Waco, Texas, and established the Center for Private Enterprise and Entrepreneurship. At Baylor I taught courses in both the School of Business and the School of Law which dealt with energy, environmental, and utility regulation. I also was active as a consultant providing mid-and upper-level management training in energy and utility economics.

While in Texas, I served as Mayor of the City of Woodway. Under Texas law, cities have original jurisdiction for all gas utility rate cases and concurrent jurisdiction with the State Public Utility Commission for electric rate cases.

If confirmed as Administrator of the Energy Information Administration, it would be my primary objective to continue the production of the timely and quality reports for which EIA is known. EIA was established as an independent, information gathering and analysis agency of the Department of Energy with the specific responsibility of providing data and analyses to policy makers. EIA is not a policy-making arm of the Administration. Its mission is to carry out a central, comprehensive, and unified energy data and information program and to make the products of this program available to decisionmakers in government, industry, and the private sector.

I am aware of and impressed with the caliber of people and the quality of work which has been completed at EIA. I am dedicated to the perpetuation of that quality. At this time, EIA is expanding its existing programs and venturing into new areas. One of my principal functions, should I be confirmed, is to oversee the development of the National Energy Modeling System (NEMS) in support of the President's National Energy Strategy (NES) which will increase EIA's modeling and analytical capabilities and improve responsiveness to decisionmakers. My goal, as discussed with Secretary Watkins, is a humble one--to develop the best energy modeling system in the world.

I want to assure this Committee that I am fully informed of and in agreement with the Congressionally-mandated independence of EIA.

This "independence" is one of the many things which attracted me to this job. It has been made clear to me by the Secretary and others in the Department of Energy that they want an EIA that produces objective and unbiased data and analysis, free from policy influence. It is important to me that those of you in the Senate, as well as your colleagues in the House of Representatives, have every bit as much confidence in the work and reports of EIA, as does the Administration. I look forward to working with you and will be happy to answer any questions.

The CHAIRMAN. Thank you very much, Dr. Kent.
Mr. Leroy.

## STATEMENT OF DAVID H. LEROY, NOMINEE TO BE NUCLEAR WASTE NEGOTIATOR

Mr. LEROY. Mr. Chairman, Senator McClure, I am pleased to appear before the committee this morning as President Bush's nominee for the challenging new position of Nuclear Waste Negotiator.

In 1987, the Congress envisioned the creation of a neutral party to approach States and Indian tribes on an innovative, noncoercive basis to ascertain by a comprehensive search whether any jurisdiction would be willing to participate voluntarily in the national responsibility of closing the nuclear fuel cycle by agreeing to be a site for a permanent respository or an MRS facility.

Clearly, the negotiator must approach that task, of seeking a volunteer host, by a process that is State oriented, locally sensitive, credible, open, scientifically accurate, responsible to future generations, and unfettered by previous dealings with the Congress or dealings with the Department of Energy.

The office was created, Mr. Chairman, for a term of five years. Thirty months have passed without the commencement of operations. If confirmed, I pledge to you an aggressive independent effort, quickly commenced and broadly pursued, to seek a host or hosts by contacting all of the States and all of the tribes, so far as their willingness to participate in this matter.

At the outset, the job and the responsibility of the nuclear waste negotiator must be understood by the negotiator himself and by those with whom he interacts. It is not the task of the United States nuclear waste negotiator to trade off the lives and safety of future generations of children for large sums of money. The process of siting a nuclear waste facility voluntarily will not be successful if the negotiator is viewed as towing a garbage skow from port to port, seeking a place to leave it.

Instead, the negotiator must present an honest, independent assessment of all risks associated with the facility. The negotiator must present accurate information about the processes for managing and eliminating those risks and must present precise detail about the benefit which could be associated with the acceptance of that facility in the short term and in the long term. Thereafter, with this information, the host must satisfy itself that it is willing to go forward, to negotiate a reasonable agreement for presentation to the Congress. Thus, Mr. Chairman, the first task of the negotiator is to develop an innovative proposal or request for proposals and to stimulate competition among the jurisdictions.

There are few things as difficult or as politically sensitive as the siting of nuclear waste facilities. I am ready to accept that challenge so that at the conclusion of this process, the Congress will either have a volunteer host or will know that no State or tribe wishes to voluntarily participate in the process of nuclear waste facility siting. Thank you, Mr. Chairman.

[The prepared statement of Mr. Leroy follows:]

# STATEMENT OF
# DAVID H. LEROY

NOMINEE FOR THE POSITION OF
U.S. NUCLEAR WASTE NEGOTIATOR

BEFORE THE SENATE COMMITTEE
ON
ENERGY AND NATURAL RESOURCES

JULY 19, 1990

Mr. Chairman and Members of the Committee:

I am pleased to appear before you as President Bush's nominee for the challenging new position of United States Nuclear Waste Negotiator.

In seeking the advise and consent of the Senate to this appointment, I am especially pleased to begin a dialogue with the Energy and Natural Resources Committee. During the second year of his first term in the House of Representatives, I served as a summer intern to the ranking minority member and former Chairman of this Committee, Jim McClure. That formative experience caused me to begin and continue a public service career as a Prosecuting Attorney, Attorney General, Lieutenant Governor, and Candidate for Governor in Idaho.

In each of those posts, I made an extra effort through national organizations and personal contacts to work on issues of country-wide and regional significance and to learn the views and concerns of my counterparts in other States. I became Chairman of the Energy Committee of the National Association of Attorneys General. One of the two cases I argued to the U.S. Supreme Court dealt with Interstate Compacts and co-operation. As Chairman of the Western Region of the National Conference of Lt Governors, I focused the work of the group on issues of common concern, particularly federal policies, programs and mandates. In 1980, prior to the adoption of the Nuclear Waste Policy Act, I organized, requested and received a regional state level officials briefing and tour of the Idaho Nuclear Engineering Laboratory because nuclear waste and its management even then was a sharply focused concern in the West.

Thus, I understand firsthand as a former statehouse leader both the concerns and the opportunities, which through the practical processes of local politics, can become involved in Federalism and nuclear waste issues outside of the nation's capital.

In the 1987 Nuclear Waste Policy Amendments Act, Representative Morris Udall and others first envisioned a neutral party to approach the States on an innovative, non-coercive basis to ascertain by a comprehensive search whether any jurisdiction would be willing to participate in the national responsibility of closing the nuclear fuel cycle. In meetings with members of this Committee and Representative Udall in preparation for this confirmation process, it has become clear to me that the waste siting approach to be taken by the Negotiator needs to be State-oriented, credible, open, scientifically accurate, responsible toward future generations, and unfettered by previous dialogue with the Congress or dealings with the Department of Energy. A maximum of flexibility and a minimum of baggage must accompany the Office in the search.

Although created for a term of only five years, 30 of those 60 months have passed without the Office commencing operations.

Against a backdrop of delay, frustration and lawsuits which have developed over this Nation's attempt to find a permanent repository site and without complete consensus about a monitored retrievable storage facility, it is fair to ask whether the Nuclear Negotiator can now make a positive contribution to the dialogue. I strongly believe he can.

At the outset, the job of the Negotiator must be clearly understood by the officeholder and by those with whom he interacts.

It is not the task of the Nuclear Negotiator to ask any jurisdiction to trade off the lives and safety of future generations of children for large sums of money. The process of siting a nuclear waste facility voluntarily will not be successful if the Negotiator is viewed as towing a garbage skow from port to port seeking a place to leave it.

Instead, the Negotiator must present an honest, independent assessment of all of the risks associated with a repository or an MRS facility to any interested State or Indian Tribe. The volunteer must satisfy itself, that those risks can be managed or eliminated. Also, the host must be self-convinced of the benefits which are associated with such a program.

With due regard to risk and the perception of risk, the first job of the Negotiator will be to fashion an innovative proposal or request for proposals that generates interest or even competition, if possible, among jurisdictions. This has been possible in the Canadian experience during the preliminary steps to the voluntary siting of a low-level radioactive waste management facility in Ontario.

If indications of interest are received, the Negotiator must independently assess whether such a jurisdiction possesses a site meeting minimum technical qualifications for the repository or facility proposed.

Next, the negotiator must honestly evaluate, using various communications techniques, including public hearings, whether the Governor, government, and populace of a State are "willing to negotiate".

Should the result of actual talks be reached, the Negotiator must make an independent judgment, in constant communication with Congress, as to what constitutes a "reasonable" compact.

And when the Negotiator comes back to the Senate and the House with a willing State or Tribe in reasonable agreement, the Negotiator must produce results for all involved by shepharding the final understanding into law on the first occasion during the first session when the proposal is presented. There will be no second chance on a matter this delicate.

Let me say a few words about Nevada. The concerns about nuclear waste policy, and I hope the aspirations for this Office, are particularly focused in Nevada because of the designation of Yucca Mountain as the sole candidate for repository site characterization.

On my own initiative at the end of June, I sought out and received a meeting with elected officials from that State to hear first and first hand how they perceived the issues. Senator Bryan and Senator Reid have given me 31 written questions to which I have already responded amplifying my view of this office and its operations.

In summary, Mr. Chairman, I am not interested in wasting the Congress' time or the taxpayers' money. I will aggressively pursue the office of Nuclear Waste Negotiator by organizing a nationwide search for volunteer partners in repository and MRS siting. I will be fair, forthright, and forthcoming with all States, Tribes and their constituents.

I will adopt the same candid and direct approach with the Congress. If I become convinced that the search is hopeless, I will immediately so report to the President and to you, so that this Nation may reevaluate its nuclear waste siting program with the certain knowledge that no State wishes to voluntarily participate.

I will be pleased to answer questions from the Committee. Thank you for the opportunity to make opening remarks.

The **Chairman**. Thank you very much, Mr. Leroy.

Dr. Ziemer and Dr. Kent, I have no questions for you. Lest you be disappointed, let me say that most people do not like to be questioned that closely at these hearings. It is only because I think both of you are highly qualified for the positions which you seek, and I am satisfied in my own mind that you ought to be confirmed, that I have no further questions. It is good news, and do not be disappointed that I am not going to probe into all your controversial past, because I do not see that in the records of any of you.

Mr. Leroy, I do have questions of you, not because you have a controversial past. To the contrary, you have the very high regard of Jim McClure, and you are from Idaho, and that is almost good enough for me on the face of it. Let me say that this position is a very difficult one. You are well aware of that. Your statement reveals you understand the difficulty of it.

Part of the difficulty is that you do not have the Federal checkbook to go out and bargain with. To the extent that you overbargain or overpromise, or make local areas believe that you have the power to deliver on, or indeed that your own opinion is that they are entitled to such "goodies" from the Federal Government that are not delivered, you could well make a more difficult problem for the Nation and for the Congress than we would otherwise have.

It is human nature to take the part of those with whom you are bargaining. That is a phenomenon that takes place, it seems, in the State Department with ambassadors who go to countries. Inevitably, those who go to Arab countries become Arabists—or at least they are accused of that. Those who go to France become francophiles, et cetera. That is probably a good thing in the State Department. At least it is a clearly observed phenomenon.

In your case, to become the spokesman for the State that you may feel the nuclear waste is to be put in may or may not be a good thing for the country to the extent that it exceeds what we can deliver on. My guess is, you are not going to be able to find a place that is willing to take nuclear waste. There simply is too much scientific illiteracy abroad in the land, too much emotionalism, too much misinformation about the dangers of nuclear waste.

Senator McClure and I have been here on this committee for 18 years, dealing with nuclear waste for the major portion of that time, having hearings all the time, dealing with the scientists who tell us in hearing after hearing after hearing that scientifically it is not a tremendous challenge. It is a challenge, yes, and an engineering problem, yes, but it is a straightforward engineering problem and a straightforward scientific problem, one that is easily solvable, one that is in fact of a lesser degree of difficulty than some problems we deal with every day, such as toxic chemicals.

This is not to say that I or this committee in any way minimizes the difficulty of siting a spot for either the MRS or the nuclear repository. We are very well acquainted with those difficulties, but I am not sure that bringing "greenback poultices" is going to solve the problem. We have tried that. I was the one who insisted on putting in $20 million a year. I think Senator McClure and I were the only two who were really fighting for our initial bill, which was $100 million a year, and the House did not want to have anything.

I continued to insist on $20 million a year for the repository and was able to win that.

I am regarded as being the ogre in Nevada right now, even though I was the one who got that. So if you think you are going to become a hero in Nevada or elsewhere, think twice. It is not going to happen. I am sorry.

Mr. LEROY. I have had a dose of that, Mr. Chairman.

The CHAIRMAN. If you do a great job, which I would expect and hope you do, then you should receive the thanks of the Nation, but you will probably receive not the accolades of anywhere. Only those inside know how important this program is and probably only those of us who are inside the Beltway even or inside the Department of Energy will know what good work you have done. The areas where these things will be sited will probably not appreciate you.

I would hope that you will have some success, particularly with the MRS, because MRS can be fairly well sited anywhere. The legislation specifies Nevada as the place to determine whether it is suitable for the repository. As you know right now, they have denied a whole series of permits so that the whole program is stalled there. They have lawsuits, and when this series of lawsuits is over, they will probably put new stumbling blocks in the way of finding an answer to the question of whether it is suitable or not.

What we are trying to find out now is an answer, yes or no, with the best scientific inquiry we can find, as to whether Nevada is suitable. If it is not, then we want to move on to somewhere else. But we cannot get the no answer or the yes answer until we go out and dig the holes and do the characterization that is necessary. If you can get that done, I do not know if you will get a gold star from Nevada but you will sure get one from this committee. It is a tough and difficult position and a very important position which you are undertaking.

As I said, my one word of caution is, do not overpromise. In not being able to deliver, you might hurt the program. You might whet expectations out there so that when you do not deliver on them, you not only disappoint the people but they feel as though they have been shortchanged by their government.

By overpromising, you may also overemphasize the danger. That is part of the problem with nuclear energy, I think. In an effort to be so safe, we have overemphasized some of the dangers. For these trucks that carry rods, we say they not only have to be crash-proof, but you have to put them off on some side road, and you have to have the fire department available every few miles to come along. Those kinds of precautions do not reassure. They actually exacerbate the problem by making people think that is really necessary.

Well, enough said. I think you get the drift of what I am saying. It is a great challenge, and I hope you are successful at it, as you have been at other things in your career. I wish you well.

Before I turn it over to Senator McClure, I am sorry to come in late and have to leave early, but that probably is good news, too. I would be here to the bitter end if I thought any of you were unqualified and needed to be examined and questioned in a difficult and searching way. I do not. I think you are all well qualified, and

I want to congratulate you in advance for being confirmed. You are not confirmed yet, but you will be.

Senator McClure?

Senator McClure [presiding]. Mr. Chairman, there is no bitter end to this because it will not be bitter and it is near the end. I commend you, Mr. Chairman, for the statement made with respect to the job that Mr. Leroy is undertaking. I would not want this opportunity to pass without saying I admire and respect Dave Leroy, and he will do a good job. I think it is a tremendously difficult task, as the chairman has indicated.

I will not take the committee's time to belabor the issue of how we got to where we are, or even attempt to catalog all the difficulties that lie ahead with respect to the program because they are obvious. However, one of the things that the chairman mentioned is worth noting.

Ordinarily, the economic benefits of Federal activities are so obvious that communities vie for the opportunity to have a Federal installation. It is obvious that with respect to waste repositories of any kind, and nuclear repositories of any kind, the economic benefits are not as great as the perceived liabilities. Communities, instead of vying for their presence, have fought to keep them away.

That led the chairman to make a proposal, which I endorsed, to provide an economic incentive payment to those States or localities that would accept the Federal repository, whether it be a deep geological repository or a monitored retrievable storage. That was immediately characterized by the opponents to the program as trying to pay them a bribe. I suspect, as you negotiate with localities, and you look at the various economic tradeoffs that are involved, and the considerations that they seek, if indeed you are successful in stimulating that kind of interest, there will be some who will say yes we are bribing them.

That comes from two backgrounds. That is really suspicion and not conviction on my part. One is that there are those who do not want this program to succeed at all, because they do not want a nuclear program in this country at all. They want it to fail, and they want it to fail by whatever means they can bring about. That is a relatively large group of people; it is not just a radical fringe, although there is a more radical fringe involved. Second, I think there is a great cynicism about government, and anything you try to do to work out a problem is viewed with cynical suspicion by many. So no matter how you try, you are going to get accused of having motives you never suspected of yourself. That has only to do with the difficulty of getting the job, but the job remains there. It is a challenging one, and I wish you well.

Dr. Kent and Dr. Ziemer, I have no questions of you either. We have reviewed your financial statements, and I find no reason to have any concern about any one of those, I wish you well.

Before closing the hearing, Mr. Ziemer, do you have family present? I wonder if you would introduce them for the committee.

Dr. Ziemer. Yes. I am pleased to introduce my wife, Marilyn Ziemer; the youngest of my four daughters, Joy; and the stepdaughter of my oldest daughter, Angy Pez.

Senator McClure. We are very happy to have you ladies here with us today.

Dr. Kent, do you have family present?

Dr. KENT. Yes. My wife, Nita Sue, is here accompanying me. I thank you for the opportunity to introduce her.

Senator McCLURE. Surely.

Dave, I am acquainted with your family. I am sorry they are not able to be here today, but we see them in Boise occasionally.

Mr. LEROY. They enjoyed our visit two weeks ago, Senator.

Senator McCLURE. There will be questions from members of the committee for the record. We will hold the record open until 5 p.m. today for the submission of such questions. We would ask for your speedy response to those questions. As you know, we cannot take the next step until you have completed that step. So it is in your interest to get it done quickly.

If there are no further matters to come before the committee at this time, the committee will stand adjourned.

[Whereupon, at 10:19 a.m., the hearing was adjourned.]

# APPENDIXES

## APPENDIX I

## INFORMATIONAL STATEMENTS OF THE NOMINEES

### UNITED STATES SENATE

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

### STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Ziemer (LAST) Paul (FIRST) Louis (OTHER)

Position to which nominated: Asst. Secretary for Environment, Safety and Health

Date of nomination:

Date of birth: 28-6-35 (DAY) (MONTH) (YEAR)

Place of birth: Toledo, Ohio

Marital status: married

Full name of spouse: Marilyn Wright Ziemer

Name and ages of children
Sandra Lyn Brooks, Age 30
Linda Sue Kussman, Age 27
Lori Ann Scott, Age 24
Joy Marie Ziemer, Age 22

Education:

| Institution | Dates attended | Degrees received | Dates of degrees |
|---|---|---|---|
| Wheaton College (Illinois) | 1953-1957 | B.S. | 1957 |
| Vanderbilt University | 1957-1959 | M.S. | 1959 |
| Purdue University | 1959-1962 | Ph.D. | 1962 |

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1) Physicist; Operations research; U.S. Naval Research Lab, Wash., D.C.; 1957
2) Health Physicist; Reactor health physics group; Union Carbide Nuclear; Oak Ridge National Laboratory; Oak Ridge, TN; 1959
3) Radiological Control Officer; Campus radiation safety; Purdue Univ. W. Lafayette, IN; 1959-1982
4) Assistant Professor of Health Physics; Bionucleonics Dept., Purdue Univbersity; West Lafayette, IN; 1962-1966
5) Associate Professor of Health Physics; teaching and research; Bionucleonics Dept.; Purdue University; W. Lafayette, IN; 1966-1969
6) Professor of Health Physics; teaching and research; Bionucleonics Department, Purdue University; W. Lafayette, IN; 1969-1982
7) Associate Head (1971-1981); and Acting Head (1982); academic administration; Bionucleonics Dept., Purdue University; W. Lafayette, IN
8) Professor of Health Physics; teaching and research; School of Health Sciences; Purdue University; W. Lafayette, IN; 1979-present.

**Employment record—Continued**

9) Acting Head (1982-1983) and Head (1983-present); academic administration; School of Health Sciencies; Purdue University; W. Lafayette, IN

10) Heallth Physics Consultant; radiation protection consulting and services as private consultant; W. Lafayette, IN 1962-1989

11) Director and Health Physicist; radiation protection consulting; Midwest Radiation Protection, Inc.; Bloomington, IN; 1971-1988

**Military service:** Describe any military service not listed above, including dates, rank, and type of discharge.

None

**Honors and awards:** List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

1) U.S. Atomic Energy Commission Fellowship, 1957-1959

2) Member of Sigma Pi Sigma (Physics Honorary); Rho Chi (Pharmacy Honorary); Sigma Xi (Research Honorary); Eta Sigma Gamma (Health Science Hon.)

3) Certified Health Physicist, American Board of Health Physics, 1965

4) Recipient of Elda E. Anderson Award, Health Physics Society, 1971

5) Fellow, Health Physics Society, 1984

**Memberships:** List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

| Organization | Dates | Office held (if any) |
|---|---|---|
| Health Physics Society | 1959 - present | President, 1975-76 |
| International Radiation Prot. Association | 1966-present | |
| Midwest Chapt., Health Phys. Soc. | 1961-1976 | President, 1967 |
| Hoosier Chapt., Health Phys. Soc. | 1976-present | |
| American Academ of Health Phys. | 1986-present | President, 1987 |
| American Nuclear Society | 1960-1977 | |
| Amer. Assoc. for Advancement of Sci. | 1962-present | |

**Published writings:** List the titles, publishers and dates of any books, articles, or reports you have written.

(See attached list of publications and papers)

**Future employment relationships:**

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

I expect to take a leave of absence from my present employer, Purdue Univ. If confirmed, an agreement will be executed, a copy of which will be provided to the committee.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

Yes. Since I am a tenured faculty member at Purdue University, I expect to return to that position.

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

No formal written commitment has been made. I have been told verbally that the University would be willing to consider a leave of absence.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

(not a fixed term)

**Future employment relationships—Continued**

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

No

**Financial statement:**

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are you currently a party to any legal action? If so, describe its nature and status.

No

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

**Potential conflicts of interest:**

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None to my knowledge

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

A. Have served as a member of the following Government Agency Committees

1) National Program Review Committee for Low-Level Radioactive Waste Management, EG&G Idaho and U.S. Dept. of Energy (1980-1987)

2) Committe to review Environmental Impact Statement on Decontamination of Three Mile Island Nuclear Station, U.S. Environmental Protection Agency (1980-1981)

3) Advisory Committee on Nuclear Science and Engineering and Health Physics Fellowship Program, U.S. Dept. of Energy (1981-1986)

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

None

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes

Page 5
Item 2. (continued)

B. Serve as Principal Investigator (Fellowship Advisor) for DOE sponsored Health Physics Fellowship Program at Purdue University.

C. Serve as advisor to U.S. Transuranium Registry, Hanford Environmental Health Foundation, Richland, Washington.

**Potential conflicts of interest—Continued**

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

As referenced in the DOE Ethics Official's Memo, I have agreed to resign fro the unpaid positions which I hold in the National Council of Radiation Prot. and Measurements, the American Nat'l Standards Institute, and the American Board of Health Physics. In addition, I have agreed to recuse myself from

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I will abide by the advise of the DOE Ethics official and the Office of Government Ethics with respect to potential conflicts which might arise in the future.

**Public disclosure:** Do you have any objections to this form and the attachments thereto being made public?

Item 5 (continued)

any matter the outcome of which could have a direct and predictable effect on Purdue University.

DISTRICT OF COLUMBIA ) ss

AFFIDAVIT

I, Paul L. Ziemer, being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

Paul L. Ziemer
(Signature of Nominee)

Subscribed and sworn to before me this 28th day of June, 1990

Notary Public

My Commission Expires November 14, 1994

Form approved by the Committee February 5, 1985.

Publications:

1. Ziemer, P. L., Johnson, R. H., and Birkhoff, R. D., "Measurement of Stopping Power and Copper by Calorimetric Methods," Oak Ridge National Laboratory Report No. ORNL-2775 (1960).

2. Christian, J. E., Kessler, W. V., and Ziemer, P. L., "A 2 Pi Liquid Scintillation Counter for Determining the Radioactivity of Large Samples Including Man and Animals," Int. Journal of Applied Radiation and Isotopes, 13, 557 (1962).

3. Ziemer, P. L., and Hodge, D. R., "Ordering, Handling, and Disposal of Radioactive Materials," Proceedings of the 42nd Annual Convention of the National Association of Educational Buyers, Chicago, pp. 152-159 (1963).

4. Grunewald, Ralph, Ziemer, P. L., and Christian, J. E., "Large Volume Activation Analysis of Organically Bound Iodine Using Isotopic Neutron Sources," Anal. Chem., 36, 1138 (1964).

5. Ziemer, P. L., "The Role of Health Physics Training for Research Personnel in the University," Health Physics, 10, 505 (1964).

6. Rhykerd, C. L., Fraser, R. R., Ziemer, P. L., Christian, J. E., and Noller, C. H., "Use of a Large Volume Liquid Scintillation Counter to Measure the Gross Gamma Radioactivity in Forage Crops," Proceedings of the Ninth International Grasslands, Congress, San Paulo, Brazil, 1964. 3, 383-387 (1966).

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Patent:

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**Department of Energy**
Washington, DC 20585

JUN 13 1990

Mr. Donald E. Campbell
Acting Director
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

Dear Mr. Campbell:

This letter transmits to you, in accordance with 5 C.F.R. § 734.604(c)(2)(iii), a copy of the Standard Form 278, "Financial Disclosure Report," filed by Paul L. Ziemer incident to his nomination to the position of Assistant Secretary for Environment, Safety and Health, U.S. Department of Energy. A position description is attached to the form.

I have also enclosed a copy of the statement provided to Mr. Ziemer, advising him of statutory applicable to his anticipated service as Assistant Secretary. This advice is based upon a review of the interests disclosed in his Standard Form 278. I encountered no problems in reaching the conclusions upon which my certification on the form is based.

Sincerely,

Ralph D. Goldenberg
Assistant General Counsel
for General Law

Enclosures

DOE F 1325.8
(8-89)

**United States Government** **Department of Energy**

# memorandum

DATE: JUN 13 1990

REPLY TO
ATTN OF: GC-43

SUBJECT: Statement of Agency Ethics Official for Senate Committee

TO: Paul L. Ziemer

This memorandum is intended to serve as a statement from the designated agency ethics official for this Department, as required by the Statement for Completion by Presidential Nominees that you are submitting to the United States Senate Committee on Energy and Natural Resources in connection with your nomination to the position of Assistant Secretary for Environment, Safety and Health. I have reviewed your Standard Form 278 (Financial Disclosure Report) dated March 6, 1990, and have certified that the information contained therein discloses no conflict of interest under applicable laws and regulation.[1]

Section 208, title 18 United States Code, prohibits a Federal officer or employee from participating personally and substantially, as a Government employee, in any particular matter in which, to his knowledge, he has, or his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment has, a financial interest. Accordingly, you should avoid participation in any particular matter which could have a direct and predictable effect upon any such financial interests.

In Part II of Schedule C of your SF 278, you have reported that you will take a leave of absence from your tenured position as a professor and administrator of Purdue University, West Lafayette, Indiana in order to serve in the Department. Accordingly you have agreed to recuse yourself from participation as a Government employee in any particular matter the outcome of which could have a direct and predictable effect upon Purdue University.

You have agreed that, upon confirmation and appointment, you will resign from your unpaid positions with the National Council on Radiation Protection and Measurements, the American

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[1] Section 201(b) of the Ethics in Government Act (Pub. L. No. 95-521) requires the income and honoraria information on your form to be updated within five days before the date of the Committee hearing to consider your nomination.

National Standards Institute, and the American Board of Health Physics.

As a supervisory employee, you will also be prohibited by section 602(a) of the DOE Organization Act from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any energy concern. Your financial disclosure report does not disclose any interests subject to this requirement at this time. You should also be aware that Executive Order 12674 prohibits an employee appointed by the President to a noncareer position in the executive branch from receiving any earned income for any outside employment or activity performed during that Presidential appointment.

Please let me know if I can be of further assistance.

Ralph D. Goldenberg

Ralph D. Goldenberg
Assistant General Counsel
for General Law

Attachment

SF 278 (Rev. 1/89)
FPM Chapter 734
U.S. Office of Personnel Management

# Financial Disclosure Report

Form Approved
OMB No. [illegible]

Page 1

| | | | | |
|---|---|---|---|---|
| Reporting Status *(Check Appropriate Box)* | | **Agency Use Only** | **OGE Use Only** | Date of Appointment, Candidacy, Election or Nomination *(Mo., Day, Yr.)* |
| ☐ Incumbent | ☒ New Entrant, Nominee, or Candidate ☐ Termination Filer | JUN 05 1990 | JUN 14 1990 | 6/5/90 |

Termination Date *(If Applicable)* *(Month, Day, Year)*:

| | | |
|---|---|---|
| **Reporting Individual's Name** | Last Name<br>Ziemer | First Name and Middle Initial<br>Paul L. |
| **Position for Which Filing** | Title of Position<br>Assistant Secretary for Environment, Safety, & Health | Department or Agency *(If Applicable)*<br>Department of Energy |
| **Location of Present Office** | Address *(Number, Street, City, State and ZIP Code)*<br>School of Health Sciences, Purdue University<br>W. Lafayette, IN 47907 | Telephone No. *(Include Area Code)*<br>(317)494-1435 |
| Position(s) Held With the Federal Government During the Preceding 12 Months *(If Not Same as Above)* | Title of Position(s) and Date(s) Held<br>None | |
| **Presidential Nominees Subject to Senate Confirmation** | Name of Congressional Committee Considering Nomination<br>Senate Committee on Energy and Natural Resources | Do You Intend to Create a Qualified Diversified Trust?<br>☐ Yes ☒ No |
| **Certification**<br>I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief. | Signature of Reporting Individual<br>Paul L. Ziemer | Date *(Month, Day, Year)*<br>3/6/90 |
| **Other Review**<br>**(If desired by agency)** | Signature of Other Reviewer | Date *(Month, Day, Year)* |
| **Agency Ethics Official's Opinion**<br>The information contained in this report discloses no conflict of interest under applicable laws and regulations. | Signature of Designated Agency Ethics Official/Reviewing Official | Date *(Month, Day, Year)*<br>6/11/90 |
| **Office of Government Ethics Use Only**<br>6-19-90<br>6/19/90 | Signature<br>Donald E. Campbell | Date *(Month, Day, Year)*<br>6-15-90 |

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

II Added by John Condray of OGE pursuant to conversations with Mary Ann Shebek of DOE.

*(Check box if comments are continued on the reverse side)* ☐

## Reporting Periods

**Incumbents:** Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

**Termination Filers:** Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

**Nominees, New Entrants and Candidates for President and Vice President:** Complete Schedules A, C, and D. (Candidates do not file Part II of Schedule D.)

- **Schedule A**—The reporting period for income (BLOCK C) and Transactions Test (BLOCK D) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

PREVIOUS EDITION USABLE

278-108

NSN 7540-01-070-8444

SF 278 (Rev. [illegible])
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

| Reporting Individual's Name | | Page Number | Schedule |
|---|---|---|---|
| Paul L. Ziemer | **Assets and Income** | 1 | A |

**All Filers:** In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

**All Filers:** In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

**All Filers:** In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

**Incumbents and Termination Filers only:** In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

Identify each asset and income source of yours, your spouse(S) and your dependent child (DC).

NONE ☐

| | | BLOCK A Assets & Income Sources | BLOCK B Valuation of Assets: Category of Value (X) | | | | | | | BLOCK C Income: Type of Income (X) | | | | | | | BLOCK C Income: Category of Amount of Income (X) | | | | | | | | | | BLOCK D Transactions Test: If yes, complete Schd. B Part I for these assets including those sold for a loss. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | S or DC | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | Other (Specify Type) | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | YES | NO |
| Examples: | | X Y Z Common | | | | X | | | | X | | | | | | | | | X | | | | | | | | X | |
| | | Doe Jones & Smith, Hometown, USA | | | X | | | | | | | | | | | partnership income | | | | | | | | | $60,000 | | | |
| 1 | | Purdue University,<br>W. Lafayette, IN | | | | | | | | | | | | | | Salary | | | | | | | | | $91,918 | | | |
| 2 | S | W. Lafayette School Corp.,<br>W. Lafayette, IN | | | | | | | | | | | | | | Salary | | | | | | | | | 28,030 | | | |
| 3 | - | Teachers Ins. & Annuity As.,<br>College Retire. Equity Fund | | | | | | | X | | | | | | | | X | | | | | | | | | | | |
| 4 | | Teach.Ins.Annunity As./Col.<br>Ret.Equ. Fnd.,Suppl.Annuities | | | | X | | | | | | | | | | | X | | | | | | | | | | | |
| 5 | | Equitable Life Assurance,<br>New York (IRA) ([illegible] – widely diversified) | | X | | | | | | | | | | | | | X | | | | | | | | | | | |
| 6 | | Bank One, Lafayette, IN<br>(IRA) (CD) | | X | | | | | | | | | | | | | X | | | | | | | | | | | |
| 7 | S | Bank One, Lafayette, IN<br>(IRA) (CD) | X | | | | | | | | | | | | | | X | | | | | | | | | | | |
| 8 | | Indiana National Bank,<br>Lafayette, IN (IRA) (CD) | | X | | | | | | | | | | | | | X | | | | | | | | | | | |
| 9 | S | Indiana National Bank,<br>Lafayette, IN (IRA) (CD) | | X | | | | | | | | | | | | | X | | | | | | | | | | | |
| 10 | S | Indiana State Teachers' Retirement Fund, Indianapolis | | X | | | | | | | | | | | | | X | | | | | | | | | | | |

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SF 278 (Rev. 1/89)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0001

| Reporting Individual's Name | | | | |
|---|---|---|---|---|
| Paul L. Ziemer | **Assets and Income** | Page Number | 2 | Schedule A |

**All Filers:** In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

**All Filers:** In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

**All Filers:** In BLOCK C report the type and amount of income exceeding $100 or more received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

**Incumbents and Termination Filers only:** In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

▼

| | | BLOCK A<br>Assets & Income Sources | BLOCK B<br>Valuation of Assets | | | | | | | BLOCK C<br>Income | | | | | | | | | | | | | | | | | BLOCK D<br>Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Identify each asset and income source of yours, your spouse(S) and your dependent child (DC).<br>NONE ☐ | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | Other (Specify Type) | Category of Amount of Income (X) | | | | | | | | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | If yes, complete Schd. B Part I for those assets including those sold for a loss. | |
| | S or DC | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | | | YES | NO |
| Example: | | X Y Z Common | | | | X | | | | X | | | | | | | | | X | | | | | | | | X | |
| | | Doe Jones & Smith, Hometown, USA | | | X | | | | | | | | | | | ptnrshp income | | | | | | | | | $80,000 | | | |
| 1 | S | Mutual of America, New York (Teachers' Retirement fund - widely diversified)<br>Flexible Annuity Plan | X | | | | | | | | | | | | | | X | | | | | | | | | | | |
| 2 | | Indiana National Bank, Lafayette, IN (Checking Acct) | | X | | | | | | | | X | | | | | | X | | | | | | | | | | |
| 3 | | Hanford Environmental Health Found., Richland, WA | X | | | | | | | | | | | | | Honorarium | | | | | | | | | 400 | 11/17/89 | | |
| 4 | | Mobil Research & Development Corp., Dallas, TX | X | | | | | | | | | | | | | Consulting Fee | | | | | | | | | 880 | (1989) | | |
| 5 | | ~~E.G.&G. Idaho, Inc., Idaho Falls, ID~~ | X | | | | | | | | | | | | | ~~Consulting Fee~~ | | | | | | | | | ~~525~~ | received in 1988 | | |
| 6 | | Illinois Dept of Nuclear Safety, Springfield, IL | X | | | | | | | | | | | | | Consulting Fee | | | | | | | | | 500 | (1989) | | |
| 7 | | Indiana Builders Assoc. Indianapolis, IN | X | | | | | | | | | | | | | Honorarium | | | | | | | | | 200 | 3/16/89 | | |
| 8 | DC | Calvin College<br>Grand Rapids, MI | | | | | | | | | | | | | | Hourly rate pay | | | | | | | | | | | | |
| 9 | DC | Pietro's Restaurant<br>Grand Rapids, MI | | | | | | | | | | | | | | Hourly rate pay | | | | | | | | | | | | |
| 10 | DC | Ryther's (Children's Clothing)<br>Grand Rapids, MI | | | | | | | | | | | | | | Hourly pay | | | | | | | | | | | | |

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278-280

SF 278 (Rev. 1/84)
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

| | | | |
|---|---|---|---|
| Reporting Individual's Name<br>Paul L. Ziemer | Page Number | 3 | Schedule B |

## Part I
## Transactions

**Incumbents and Termination Filers only:** Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☒ Nominee — not applicable

| S or DC | | Identification of Assets | Type of Transaction (X) | | | | Amount of Transaction (X) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Purchase | Sale | Exchange | Date (Mo., Day, Yr.) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 |
| | Example: | X Y Z Common | X | | | 2/1/83 | | | X | | | |
| 1 | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | |

## Part II
## Gifts, Reimbursements and Travel Expenses

**Incumbents and Termination Filers only:**
Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. Exclude transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), exclude gifts from relatives and exclude gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☒ Nominee — not applicable

| S | | Source (Name and Address) | Brief Description | Value |
|---|---|---|---|---|
| | Examples: | Nat'l Assn. of Rock Collectors, NY, NY | Airline ticket, hotel room & meals incident to national conference 6/15/83 | $500 |
| | | Nat'l Assn. of Rock Collectors, NY, NY | Leather briefcase for retiring president | $125 |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |

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SF 278 (Rev. 1/86)
5 CFR Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

Reporting Individual's Name

Paul L. Ziemer

| Page Number | 4 | Schedule C |
|---|---|---|

## Part I
## Liabilities

**All Filers:** Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☒

| | | Creditor (Name and Address) | Type of Liability | Date Incurred | Interest Rate | Term if applicable | Category of Amount or Value (X) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | $10,001 to $15,000 | $15,001 to $50,000 | $50,001 to $100,000 | $100,001 to $250,000 | Over $250,000 |
| S or DC | Examples: | First District Bank, Washington, DC | Mortgage on rental property, Rehoboth Beach, Delaware | 1981 | 13% | 25 yrs. | | | X | | |
| | | John Jones, 123 J St., Washington, DC | Promissory note | 1979 | 10% | on demand | X | | | | |
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |
| 5 | | | | | | | | | | | |
| 6 | | | | | | | | | | | |

## Part II
## Agreements Or Arrangements

**All Filers:** Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☐

| Status and Terms of any Agreement or Arrangement | | Parties | Date (Mo., Yr.) |
|---|---|---|---|
| Example: | Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83 | Doe Jones & Smith, Home town, USA | 7/76 partnership agmnt. |
| Leave of absence will be requested (no agreement at this date) | | Purdue University, W. Lafayette, IN | N/A |
| Continuing participation in retirement plan (Teachers Insurance Annuity Association and College Retirement Equity Fund). Contributions would be made wholly by me. | | Purdue University, W. Lafayette, IN | (No agreement made as yet) |
| | | | |
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SF 278 (Rev. [illegible])
[illegible] Chapter [illegible]
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

| | |
|---|---|
| Reporting Individual's Name | Paul L. Ziemer |

| | | |
|---|---|---|
| Page Number | 5 | Schedule D |

## Part I
## Positions Held Outside U.S. Government

**All Filers:** Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

| Organization (Name and Address) | Type of Organization | Position Held | From (Mo., Yr.) | To (Mo., Yr.) |
|---|---|---|---|---|
| Examples: Nat'l Assn. of Rock Collectors, NY, NY | Non-profit education | President | 6/82 | 6/83 |
| Doe Jones & Smith, Hometown, USA | Law firm | Partner | 7/76 | 11/83 |
| Purdue University, W. Lafayette, IN | Non-profit educational institution | Professor and Head, School of Health Sciences | 7/83 | present |
| Midwest Radiation Protection, Inc., Bloomington, IN | Consulting firm | Director and consultant | 9/75 | 3/88 |
| Mobil Research & Development Corp., Dallas, TX | Energy research corporation | Consultant | 12/70 | 1/89 |
| E.G.&G. Idaho, Inc, Idaho Falls, ID | Dept. of Energy contractor Laboratory | Consultant | 3/81 | 1/88 |
| Electric Power Research Inst., Palo Alto, CA | Electric Utility supported research institute | Consultant | 5/88 | 5/88 |
| Illinois Department of Nuclear Safety, Springfield, IL | State agency | Consultant | 2/86 | 12/89 |

## Part II
## Compensation In Excess Of $5000
## Paid by One Source

**Nominees and New Entrants only:** Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

| Source (Name and Address) | Brief Description of Duties |
|---|---|
| Examples: Doe Jones & Smith, Hometown, USA | Legal services |
| Metro University (client of Doe Jones & Smith) Hometown, USA | Legal services in connection with university construction |
| Purdue University, W. Lafayette, IN | Professor and Aministrator |
| | |
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SF 278 (Rev. [illegible])
FPM Chapter 734
U.S. Office of Personnel Management

Form Approved
OMB No. [illegible]

| | |
|---|---|
| Reporting Individual's Name | Ziemer, Paul L. |

| | | |
|---|---|---|
| Page Number | 6 | Schedule D |

## Part I
## Positions Held Outside U.S. Government

**All Filers:** Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

| | Organization (Name and Address) | Type of Organization | Position Held | From (Mo., Yr.) | To (Mo., Yr.) |
|---|---|---|---|---|---|
| Examples: | Nat'l Assn. of Rock Collectors, NY, NY | Non-profit education | President | 6/83 | 6/83 |
| | Doe Jones & Smith, Hometown, USA | Law firm | Partner | 7/76 | 11/83 |
| | National Council on Radiation Protection and Measurements, Bethesda, Maryland | Congressionally Chartered Non-profit organization | Consultant (unpaid) | 1/74 | present |
| | American National Standards Institute, Nuclear Standards Board | Non-profit | Representative (unpaid) | 7/81 | present |
| | American Academy of Health Physics McLean, Virginia | Non-profit Professional org. | Director (unpaid) | 1/86 | 12/88 |
| | American Board of Health Physics, McLean Virginia | Non-profit Professional org | Board Member | 1/90 | present |
| | | | | | |
| | | | | | |

[illegible] 6/1/90

## Part II
## Compensation In Excess Of $5000
## Paid by One Source

**Nominees and New Entrants only:** Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

| | Source (Name and Address) | Brief Description of Duties |
|---|---|---|
| Examples: | Doe Jones & Smith, Hometown, USA | Legal services |
| | Metro University (client of Doe Jones & Smith) Hometown, USA | Legal services in connection with university construction |
| | | |
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| | | |

PREVIOUS EDITION USABLE

[illegible]

# UNITED STATES SENATE

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

## STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Kent (LAST) Calvin (FIRST) A. (OTHER)

Position to which nominated: Administrator, Energy Information Administration Date of nomination:

Date of birth: 8 September 1941 (DAY) (MONTH) (YEAR) Place of birth: Kansas City, Kansas

Marital status: Married Full name of spouse: Nita Sue Davis Kent

Name and ages of children: Nita Christine (22)
Anna Elaine (19)

Education:

| Institution | Dates attended | Degrees received | Dates of degrees |
|---|---|---|---|
| Westminster College | 1959-1960 | n/a | |
| Baylor University | 1960-1963 | BA | June 1963 |
| University of Missouri | 1963-1967 | MA/Ph.D. | August 1967 |
| University of Virginia | Summer 1966 | n/a | |
| University of Chicago | Summer 1974 | n/a | |
| Wichita State University | Summer 1972 | n/a | |
| Rice University | Summer 1987 | n/a | |

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

Stevens College, Columbia, MO - Instructor in Social Science 1965-1967

University of South Dakota, Vermillion, SD - Professor of Economics from 1967-1978

Baylor University, Waco, TX -Professor of Private Enterprise and Director of the Center for Private Enterprise starting in July 1978 (Currently on Leave)

**Employment record—Continued**

**Military service:** Describe any military service not listed above, including dates, rank, and type of discharge.

None

**Honors and awards:** List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Who's Who in America 1989-90; John C. Schramm Leadership Award 1989 (Joint Council on Economic Education/National Association of Economic Educators); Piper Professor 1988 (one of 10 Outstanding Professors in Texas) from the Minnie Piper Stevens Foundation; Sargent Americanism Award 1986; SMG Foundation; Leavey Award for Excellence in Private Enterprise Education 1979, Freedoms Foundation at Valley Forge; Distinguished Professor Hankamer School of Business 1979; Outstanding Professor, Baylor University 1981; plus numerous other awards from student groups and civic organizations.

**Memberships:** List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

| Organization | Dates | Office held (if any) |
|---|---|---|
| Society of Economic Educators | 1987-Present | (Resigned 4-90)<br>Secretary/Treasur |
| Association for Private Enterprise Education | 1978-Present | Secretary/Treasurer<br>(Resigned 4-90) |
| Texas Council on Economic Education | 1978-1990 | Executive Commitee<br>(Resigned 4-90) |
| Waco Athletic and Racquet Club | 1980-1990 | Director<br>(Resigned 4-90) |
| Rotary Club of Waco | 1980-1990 | Director<br>(1983-86) |
| H.O.T. Goodwill Industries | 1980-1985 | President (1984) |

See attached page. 2

**Published writings:**

List the titles, publishers and dates of any books, articles, or reports you have written.

See attached

**Future employment relationships:**

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

No. I am on leave from Baylor University, Waco, TX.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

Yes. I intend to return as a tenured economics professor to Baylor University.

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

Yes. Baylor University has granted me an extended leave of absence as a tenured economics professor.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

(a) Not Applicable

**Future employment relationships—Continued**

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

None

**Financial statement**

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

I am due $1,250 as an honorarium for co-authoring a portion of the Joint Council on Economic Education's Master Curriculum Guide in Entrepreneurship Education. My work was completed May 1, 1990.

3. Are you currently a party to any legal action? If so, describe its nature and status.

No

4. Have you ever declared bankruptcy? If so, describe the circumstances.

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

I have never been called in for an audit. On three occasions, I have received letters from the IRS either asking for more information or questioning my calculations. All of these were settled by mail.

**Potential conflicts of interest:**

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

See attached memorandum from DOE Ethics Official regarding disposition of stocks. I have requested a Section 602(c) waiver from the Secretary regarding my leave of absence from Baylor University.

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

None

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

Yes

**Potential conflicts of interest—Continued**

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

I will take whatever steps are deemed appropriate by the DOE Ethics Official.

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I will take whatever steps are deemed appropriate by the DOE Ethics Official.

**Public disclosure:** Do you have any objections to this form and the attachments thereto being made public?

No

AFFIDAVIT

DISTRICT OF COLUMBIA ) ss

I, CALVIN A. Kent being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

Calvin A Kent
(Signature of Nominee)

Subscribed and sworn to before me this 14th day of June, 19 90

Cheryl S Arrington
Notary Public
My Commission Expires November 14, 1994

Form approved by the Committee February 5, 1985.

U.S. GOVERNMENT PRINTING OFFICE: 1987—67-074

Memberships continued:

| | | |
|---|---|---|
| Baylor Lodge AF and AM | 1980-1990 | |
| Waco Scottish Rite/Bodies | 1978-Present | Assistant Expert (1989) |
| Karen Shrine Temple | 1978-Present | |
| Central Texas Zoological Society | 1980-Present | |
| Waco Art Center | 1980-Present | |
| Historic Waco Foundation | 1982-Present | |
| First Presbyterian Church | 1978-present | (Ruling Elder 1983-1986) |

Calvin A. Kent, Ph.D.
Herman W. Lay Chair of Private Enterprise
Director
Center for Private Enterprise
National Center for Entrepreneurship in Economic
Education
Baylor University
Waco, TX 76798

# CALVIN A. KENT, PH.D.

Herman W. Lay Professor of Private Enterprise

Director
Center for Private Enterprise
and
National Center for Entrepreneurship
in Economics Education
Hankamer School of Business

Adjunct Professor of Law
Baylor School of Law

Baylor University
Waco, Texas

## EDUCATION

| | | |
|---|---|---|
| Rice University | 1988 (summer) | (Post Doctorate) |
| University of Chicago | 1975 (summer) | (Post doctorate) |
| Wichita State University | 1971 (summer) | (Post doctorate) |
| University of Virginia | 1967 (summer) | (Post doctorate) |
| University of Missouri-Columbia | 1963-67 | A. M. (1965)<br>Ph.D. (1967) |
| Baylor University | 1960-63 | A. B. (1963) |
| Westminster College | 1959-60 | |

## TEACHING EXPERIENCE

| | | |
|---|---|---|
| Baylor University | 1978- | Economics, Law<br>Entrepreneurship |
| University of South Dakota | 1967-78 | Economics,<br>Real Estate |
| Stephens College | 1965-67 | Economics, History,<br>Political Science |
| University of Missouri | 1963-65 | Economics |
| Baylor University | 1963 (summer) | Speech |

## PUBLICATIONS

## BOOKS AND PUBLISHED MAJOR STUDIES

*Entrepreneurship Education: Current Practice and Future Prospects*, Wesport, CT: Quorum Books (forthcoming)

*The Economy of Texas*, Cincinnati, OH: South-Western Publishing Co., 1989. (Includes five authored chapters: "The Central Corridor of Texas," "Oil and Natural Gas," "Recreation and Entertainment," "Texas Tycoons," "Cotton, Cattle and Crude Oil: Texas 1870 - 1910.")

*Entrepreneurship and the Privatizing of Government*, Westport, CT: Quorum Books, 1987. (Includes two authored chapters: "Privatization: Promise and Problems" and "Privatization: The Entrepreneurial Response.")

*The Environment for Entrepreneurship*, Lexington, MA: Lexington Books, 1984. (Includes three authored chapters: "The Rediscovery of the Entrepreneur," "Taxation and the Entrepreneurial Environment" and "The New Entrepreneur.")

*The Encyclopedia of Entrepreneurship*, Edited with Karl Vesper and Donald Sexton, Englewood Cliffs, NJ: Prentice-Hall, 1982. (Includes authored chapter: "The Entrepreneur in Economic Progress.")

*Removal of Nonconforming Highway Advertising: The Economic Impact in South Dakota*, Pierre, SD: South Dakota Legislative Research Council, December 1977, 124 pages.

*Highway Finance in South Dakota*, Pierre, SD: South Dakota Legislative Research Council, December 1977, 116 pages.

*Municipal Franchising and Regulation: An Evaluation of Policy Related Research*, With Richard Oppedahl and Lynn Stevens, Prepared for the National Science Foundation, Public Finance Project, Vermillion, SD: University of South Dakota, December 1974, 353 pages.

*Death Taxation in the 50 States*, Vermillion, SD: Business Research Bureau, July 1974, 185 pages.

*Property Taxes and the Circuit Breaker*, With Allyn Lockner, Vermillion, SD: Institute of Public Affairs for the Governor's Committee on Tax Decision, September 1971, 179 pages.

*Financial Franchise Taxation in the 50 States*, Pierre, SD: South Dakota Department of Revenue, January 1971, 307 pages.

*State Taxation of Cooperative Enterprise*, Vermillion, SD: Business Research Bureau, 1970, 240 pages.

*Indian Poverty in South Dakota*, With Jerry W. Johnson, Vermillion, SD: Business Research Bureau, 1969, 152 pages.

## PROFESSIONAL PUBLICATIONS

"Entrepreneurship/Economics Education in the Urban Environment," *The Journal of Private Enterprise*, Fall, 1989, pp. 45 - 51.

"Privatization of Government Information," *Government Publications Review*, March/April 1989, pp. 113-132.

"The Treatment of Entrepreneurship in Collegiate Principles of Economics Texts," *The Journal of Economic Education*, Spring, 1989, pp. 153-164.

"Integrating Entrepreneurship in the Secondary Curriculum: Economics and Other Courses," in Lynn Scarlett, ed., *Economic Education in the Pre-College Setting*, Santa Monica, CA: The Reason Foundation, 1988, pp. 75-87.

Subsistence Rights and the U.S. Constitution," *The Journal of Private Enterprise*, November 1988.

"Ethics and Economics: An Explanation of Christian Beliefs in Economic Relationships," *International Review of Economics and Ethics*, Summer 1987, pp. 36-39.

"Model Workshops in Entrepreneurship Education," Andrew Nappi and Tony Suglia, eds., *Economic Education Experiences of Enterprising Teachers*, Vol. 24, New York, NY: Joint Council on Economic Education, 1987, pp. 126-33.

"Tax Reform and New Venture Creation," *The Journal of Economics*, Spring 1987.

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**Department of Energy**
Washington, DC 20585

JUN 13 1990

Mr. Donald E. Campbell
Acting Director
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

Dear Mr. Campbell:

This letter transmits to you, in accordance with 5 C.F.R. § 734.604(c)(2)(iii), a copy of the Standard Form 278, "Financial Disclosure Report," filed by Calvin A. Kent incident to his nomination to the position of Administrator, Energy Information Administration, U.S. Department of Energy. A position description is attached to the form.

I have also enclosed a copy of the statement provided to Mr. Kent, advising him of statutory and other restrictions applicable to his anticipated service as the Administrator. This advice is based upon a review of the interests disclosed in his Standard Form 278. I encountered no problems in reaching the conclusions upon which my certification on the form is based.

Sincerely,

Ralph D. Goldenberg
Assistant General Counsel
for General Law

Enclosures

DOE F 1325.8
(8-89)

United States Government Department of Energy

# memorandum

DATE: JUN 13 1990

REPLY TO
ATTN OF: GC-43

SUBJECT: Statement of Agency Ethics Official for Senate Committee

TO: Calvin A. Kent

This memorandum is intended to serve as a statement from the designated agency ethics official for this Department, as required by the Statement for Completion by Presidential Nominees that you are submitting to the United States Senate Committee on Energy and Natural Resources in connection with your nomination to the position of Administrator, Energy Information Administration. I have reviewed your Standard Form 278 (Financial Disclosure Report) dated March 15, 1990, and have certified that the information contained therein discloses no conflict of interest under applicable laws and regulation.[1]

As a supervisory employee, you will be prohibited by section 602(a) of the Department of Energy (DOE) Organization Act (Pub. L. No. 95-91) from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any energy concern. The term "energy concern" is defined in section 601(b) of the Act as any entity "significantly engaged in the business" of any of a variety of activities related to energy production, distribution, sale, or research and development, or any entity significantly engaged in such research and development pursuant to a DOE-funded program irrespective of whether it otherwise engages in such business. The term also includes any entity holding an interest in property from which an energy resource is commercially produced or obtained.

On Schedule A of your SF 278, you have reported that you hold a part interest in an oil lease in Edwards County, Illinois, and common stock in Norfolk Southern Corp. Each of these entities has been determined to be an energy concern within the meaning of section 601(b). Therefore, you are required to divest of these interests.

You have agreed to divest of your interest in the oil lease, upon your appointment as Administrator and your stock in Norfolk

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[1] Section 201(b) of the Ethics in Government Act (Pub. L. No. 95-521) requires the income and honoraria information on your form to be updated within five days before the date of the Committee hearing to consider your nomination.

Southern Corp., upon receipt of a certificate of divesture[2] from the Office of Government Ethics. In the event that OGE declines to issue such certificate, you have agreed to divest of these energy concern interests immediately upon receipt of such declination.

You have also advised this office that you are a tenured professor at Baylor University and that you intend to take a leave of absence from your university position, returning to the university when you have terminated your employment with the Department. Baylor University is an energy concern within the meaning of section 601(b) of the Act. Therefore, pursuant to the divestiture requirement of section 602(a), you may not continue to hold an official relationship with the university as a supervisory employee of the Department.

However, section 602(c) of the Act provides that the Secretary may grant a waiver of the divestiture requirements of section 602(a) where exceptional hardship would result, or where the interest is a pension, insurance or other similarly vested interest. You have requested that the Secretary grant such a waiver of the divestiture requirement with respect to your relationship with Baylor University. When granted, however, this waiver will not affect the application of the participation restrictions of section 208, title 18, United States Code, with respect to your participation in matters affecting Baylor University.

Section 208 prohibits a Federal officer or employee from participating personally and substantially, as a Government employee, in any particular matter in which, to his knowledge, he has, or his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment has, a financial interest. Accordingly, you should avoid any participation in any matter the outcome of which could have a direct and predictable effect upon Baylor University.

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[2] Section 502 of the Ethics Reform Act of 1989 (Pub. L. No. 101-194) which amended section 1043 of the Internal Revenue Code provides that employees who are required to divest of financial interests due to conflict-of-interest rules may be eligible for special tax treatment of capital gains arising from the transaction. Section 502 provides:

> If an eligible person sells any property pursuant to a certificate of divestiture, at the election of the taxpayer, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds the cost. . . of any permitted property purchased by the taxpayer during the 60-day period beginning on the date of such sale.

Non-recognition of capital gains is available only to those individuals who have received a Certificate of Divestiture issued by the Office of Government Ethics.

In addition, you have reported on Schedule A of your Standard Form 278, that you hold common stock in AT&T, and U.S. West Co., and that your spouse holds stock in Wisconsin Energy Corp. and Minnesota Power and Light. These interests constitute financial interests within the meaning of 18 U.S.C. 208. You have agreed to recuse yourself from participation in any particular matter that could have a direct and predictable effect upon any of these entities, or any other such financial interests, unless your reviewing official determines that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of you.

You should also be aware that Executive Order 12674 prohibits employees appointed by the President to non-career positions in the executive branch from receiving outside earned income during the term of the Presidential appointment. You have advised that you have resigned from your positions with the following organizations: Venture Assistance, Inc.; Association for Private Enterprise Education; Society of Economic Educators; Waco Athletic Club; Texas Council on Economic Education; National Federation of Independent Business, Education Advisory Committee; and the Education Advisory Committee of Texas Utilities Electric.

You have also advised that you have resigned from the office of Mayor of Woodway, Texas and have terminated your activities under your sole proprietorship business, including providing consulting services to Professional Development Programs Co. Please provide this office with documentation of your resignations from these organizations.

Please let me know if I can be of further assistance.

Ralph D. Goldenberg
Assistant General Counsel
for General Law

SF 278 (Rev. 1/89)
FPM Chapter 734
U.S. Office of Personnel Management

# Financial Disclosure Report

Form Approved
OMB No. [illegible]

Page 1

| | | | |
|---|---|---|---|
| Reporting Status (Check Appropriate Box) | | Agency Use Only | OGE Use Only |
| ☐ Incumbent | ☒ New Entrant, Nominee, or Candidate ☐ Termination Filer | JUN 05 1990 | JUN 14 1990 |
| **Reporting Individual's Name** | Last Name<br>Kent | First Name and Middle Initial<br>Calvin A. | |
| **Position for Which Filing** | Title of Position<br>Administrator | Department or Agency (If Applicable)<br>Energy Information Administration | |
| **Location of Present Office** | Address (Number, Street, City, State and ZIP Code)<br>Center for Private Enterprise<br>Baylor University Waco, TX 76798 | | Telephone No. (Include Area Code)<br>817-755-3766 |
| Position(s) Held With the Federal Government During the Preceding 12 Months (If Not Same as Above) | Title of Position(s) and Date(s) Held<br>N.A. | | |
| **Presidential Nominees Subject to Senate Confirmation** | Name of Congressional Committee Considering Nomination<br>Senate Energy | Do You Intend to Create a Qualified Diversified Trust?<br>☐ Yes ☒ No | |
| **Certification**<br>I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief. | Signature of Reporting Individual<br>Calvin A. Kent | | Date (Month, Day, Year)<br>March 15, 1990 |
| **Other Review**<br>(If desired by agency) | Signature of Other Reviewer | | Date (Month, Day, Year) |
| **Agency Ethics Official's Opinion**<br>The information contained in this report discloses no conflict of interest under applicable laws and regulations. | Signature of Designated Agency Ethics Official/Reviewing Official | | Date (Month, Day, Year)<br>6/11/90 |
| **Office of Government Ethics Use Only**<br>JC 6-14-90 | Signature<br>Donald E Campbell | | Date (Month, Day, Year)<br>6/18/90 |

Date of Appointment, Candidacy, Election or Nomination (Mo., Day, Yr.)
6/5/90

Termination Date (If Applicable) (Month, Day, Year)

## Reporting Periods

**Incumbents:** Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

**Termination Filers:** Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

**Nominees, New Entrants and Candidates for President and Vice President:** Complete Schedules A, C, and D. (Candidates do not file Part II of Schedule D.)

- **Schedule A**—The reporting period for Income (BLOCK C) and Transactions Test (BLOCK D) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I** (Liabilities)—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II** (Agreements and Arrangements)—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

JC = Added by John Condray of OGE pursuant to conversations with MaryAnn Shebek of DOE.

(Check box if comments are continued on the reverse side) ☐

PREVIOUS EDITION USABLE

U.S. Office of Personnel Management

OMB No. 3209-0002

| Reporting Individual's Name | Assets and Income | Page Number | 1 | Schedule A |
|---|---|---|---|---|
| Calvin A. Kent | | | | |

**All Filers:** In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

**All Filers:** In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

**All Filers:** In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

**Incumbents and Termination Filers only:** In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000? ▼

| BLOCK A Assets & Income Sources | | | BLOCK B Valuation of Assets | | | | | | | BLOCK C Income | | | | | | | | | | | | | | | | | BLOCK D Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐ | | | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | | Category of Amount of Income (X) | | | | | | | | | | If yes, complete Sched. B Part I for these assets including those sold for a loss. | |
| S or DC | | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | Other (Specify Type) | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | YES | NO |
| | Example | X Y Z Common | | | | x | | | | x | | | | | | | | | x | | | | | | -- | | x | |
| | | Doe Jones & Smith, Hometown, USA | | | x | | | | | | | | | | | ptnrshp income | | | | | | | | | $50,000 | | | |
| | 1 | Dreyfus Intermediate Tax Exempt Bond Fund | | | | X | | | | X | | | | | | | | | | X | | | | | | | | |
| | 2 | C.D. First Federal Savings, Waco, TX | | | | X | | | | X | | | | | | | | | | X | | | | | | | | |
| S | 3 | Money Market Account 1st Federal Savings, Waco | | | X | | | | | | | X | | | | | | | X | | | | | | | | | |
| | 4 | Money Market Account 1st Federal Savings, Waco | | X | | | | | | | | X | | | | | | X | | | | | | | | | | |
| S | 5 | IRA First Federal Savings Waco, TX (CD) | | X | | | | | | | | X | | | | | | X | | | | | | | | | | |
| S | 6 | IRA-SEPP 1st Federal Savings (CD) | X | | | | | | | | | X | | | | | X | | | | | | | | | | | |
| S | 7 | Annuity (widely diversified) Equitable Life Insurance | | | | X | | | | | | X | | | | | | | X | | | | | | | | | |
| | 8 | IRA 1st Federal Savings Waco, TX (CD) | | | X | | | | | | | X | | | | | | | X | | | | | | | | | |
| | 9 | IRA-SEPP 1st Federal Savings, Waco, TX (CD) | | | X | | | | | | | X | | | | | | X | | | | | | | | | | |
| | 10 | Annuity-Prudential Ins. Co. (widely diversified) | | X | | | | | | | | X | | | | | | X | | | | | | | | | | |

WS 6/11/90

PREVIOUS EDITION USABLE

| Reporting Individual's Name | | Page Number | Schedule |
|---|---|---|---|
| Calvin A. Kent | **Assets and Income** | 2 | A |

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

All Filers: In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

All Filers: In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000? ▼

| S or DC | | BLOCK A Assets & Income Sources: Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐ | BLOCK B Valuation of Assets: Category of Value (X): None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | BLOCK C Income: Type of Income (X): Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | Other (Specify Type) | Category of Amount of Income (X): None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | BLOCK D Transactions Test: If yes, complete Sched. B Part I for those assets including those sold for a loss. YES | NO |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Example | X Y Z Common | | | | X | | | | X | | | | | | | | | X | | | | | | -- | | X | |
| | Example | Doe Jones & Smith, Hometown, USA | | | X | | | | | | | | | | | partnership income | | | | | | | | | $50,000 | | | |
| | 1 | Annuity (currently drawing, fixed) Equitable Life Insurance | | | | X | | | | | | X | | | | | | | X | | | | | | | | | |
| | 2 | Annuity (currently drawing, fixed) Principle Mutual Life Ins. | | | | X | | | | | | X | | | | | | | X | | | | | | | | | |
| | 3 | A.T.T. Common (135) | | | X | | | | | X | | | | | | | | X | | | | | | | | | | |
| | 4 | U.S. West Common (346) | | | | X | | | | X | | | | | | | | | | X | | | | | | | | |
| DC | 5 | Money Market Account 1st Federal Savings | | X | | | | | | | | X | | | | | | X | | | | | | | | | | |
| | 6 | Money Market Account Central National Bank, Waco | | | X | | | | | | | X | | | | | | X | | | | | | | | | | |
| | 7 | Phoenix Fund Merrill Lynch | | X | | | | | | X | | | | | | | X | | | | | | | | | | | |
| | 8 | CTR 15 FBO X 93RG Merrill Lynch (U.S. Treasury Zero Coupon Bond) | | X | | | | | | | | | | | | | X | | | | | | | | | | | |
| | 9 | Baylor University Waco, TX | | | | | | | | | | | | | | Salary | | | | | | | | | 169,745 | | | |
| | 10 | Calvin A. Kent (consulting fees and honoraria listed on pages 5 & 6) | | | | | | | | | | | | | | Personal Business | | | | | | | | | 47,370 * | | | |

* (includes income of about $10,000 from direct Programs & Assessment Programs)

6/4/90

6/8/90

6/8/90

PREVIOUS EDITION USABLE

U.S. Office of Personnel Management

OMB No. [illegible]

| Reporting Individual's Name | | Page Number | Schedule |
|---|---|---|---|
| Calvin A. Kent | **Assets and Income** | 3 | A |

**All Filers:** In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

**All Filers:** In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

**All Filers:** In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

**Incumbents and Termination Filers only:** In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000? ▼

| | | BLOCK A Assets & Income Sources | BLOCK B Valuation of Assets | | | | | | | BLOCK C Income | | | | | | | | | | | | | | | | | BLOCK D Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐ | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | | Category of Amount of Income (X) | | | | | | | | | | If yes, complete Sche. B Part I for these assets excluding those sold for a loss. | |
| S or DC | | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | Other (Specify Type) | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | YES | NO |
| S or DC | Example | X Y Z Common | | | | x | | | | x | | | | | | | | | x | | | | | | — | | x | |
| | | Doe Jones & Smith, Hometown, USA | | | x | | | | | | | | | | | partnership income | | | | | | | | | $50,000 | | | |
| | 1 | Nita Sue Kent (free lance writing + editing) | | | | | | | | | | | | | | Personal Business | | | | | | | | | 6,800 | | | |
| | 2 | Interco Common (sold 11/18 '89) | | X | | | | | | | | | X | | | | | | X | | | | | | | | | |
| | 3 | Part Interest in oil lease Edwards Co., IL | | X | | | | | | | | | | | | Royalty | | X | | | | | | | | | | |
| S | 4 | Wisconsin Energy Corp. Common (300) | | | X | | | | | X | ✓ | | | | | | | | X | | | | | | | | | |
| S | 5 | Minnesota Power and Light Common (400) | | | X | | | | | X | ✓ | | | | | | | | X | | | | | | | | | |
| | 6 | Norfolk Southern Corp. (225) Common | | | X | | | | | X | ✓ | | | | | | | X | | | | | | | | | | |
| DC | 7 | U.S. Savings Bonds | | | X | | | | | | | X | | | | | | | X | | | | | | | | | |
| DC | 8 | U.S. Savings Bonds | | | X | | | | | | | X | | | | | | | X | | | | | | | | | |
| DC | 9 | Franklin Custodial Fund Merrill Lynch U.S. Government Series | | | | X | | | | | | X | | | | | | | | | X | | | | | | | |
| DC | 10 | INVT Portfolios High Yield Fund Merrill Lynch (Kemper) | ✓ | | | X | | | | | | X | ✓ | | | | | | | | X | | | | | | | |

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[illegible] 6/14/90

PREVIOUS EDITION USABLE

270-210

OPM Form 278
U.S. Office of Personnel Management

Form Approved
OMB No. 3209-0001

| Reporting Individual's Name | Assets and Income | Page Number | 4 | Schedule A |
|---|---|---|---|---|
| Calvin A. Kent | | | | |

**All Filers:** In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

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**Incumbents and Termination Filers only:** In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

| BLOCK A<br>Assets & Income Sources | BLOCK B<br>Valuation of Assets | | | | | | | BLOCK C<br>Income | | | | | | | | | | | | | | | | | | BLOCK D<br>Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Identify each asset and income source of yours, your spouse(S) and your dependent child (DC).<br>NONE ☐ | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | Other (Specify Type) | Category of Amount of Income (X) | | | | | | | | | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | If yes, complete Sch. B Part I for those assets including those sold for a loss. | |
| | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | | | | YES | NO |
| S/DC Example: X Y Z Common | | | | X | | | | X | | | | | | | | | X | | | | | | | — | | X | |
| Doe Jones & Smith, Hometown, USA | | | X | | | | | | | | | | | earning income | | | | | | | | | | $50,000 | | | |
| 1 DC Zero Coupon U.S. Treasury 10.75% Feb. 15'03 | | | X | | | | | | | | | | | discount bond | X | | | | | | | | | | | | |
| 2 DC Merrill Lynch Trust CMO (CMMA, [illegible]) collateralized mortgage obligations | | | | X | | | | | | X | | | | | | | | | X | | | | | | | | |
| 3 DC CMA Money Fund Merrill Lynch (cash only) | | | X | | | | | | | X | | | | | | | X | | | | | | | | | | |
| 4 DC INVT Portfolios High Yield Fund, Merrill Lynch (Kemper) | | | | X | | | | | | X | | | | | | | | | X | | | | | | | | |
| 5 DC Franklin Custodial Fund Merrill Lynch (Government securities) | | | | X | | | | | | X | ✓ | | | | | | | | X | | | | | | | | |
| 6 DC Zero Coupon U.S. Treasury 10.75% Feb. 15, 2003 | | | X | | | | | | | | | | | discount bond | X | | | | | | | | | | | | |
| 7 DC Merrill Lynch Trust CMO | | | | X | | | | | | X | ✓ | | | | | | | | X | | | | | | | | |
| 8 Annuity Southern Baptist Convention (Widely diversified) | | | | | X | | | | | X | | | | | | | | | X | | | | | | | | |
| 9 Boatman's National Bank, Springfield, MO | | | | | X | | | | | | | X | | | X | | | | | | | | | | | | |
| MK (Beneficial Interest in trust established for fathe | * Trust established by Mother/[illegible] no knowledge of trust assets) | | | | | | | | | | | | | | | | | | | | | | | | | | |

[illegible] 6/11/91

[illegible] 6/11/90

Reporting Individual's Name

Calvin A. Kent

## Assets and Income

Page Number 5

Schedule A

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

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Incumbents and Termination Filers only: In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

| | BLOCK A Assets & Income Sources | BLOCK B Valuation of Assets | | | | | | | All these amounts are included under "Personal Business" pg. 2 | | | | | | | BLOCK C Some figures include both honoraria income and reimbursement for expenses. | | | | | | | | | | BLOCK D Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐ | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | Other (Specify Type) | Category of Amount of Income (X) | | | | | | | | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | If yes, complete Sch. B Part I for those assets including those sold for a loss. | |
| S or DC | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | | | YES | NO |
| Example | X Y Z Common | | | | x | | | | x | | | | | | | | | x | | | | | | — | | x | |
| | Doe Jones & Smith, Hometown, USA | | | x | | | | | | | | | | | partnership income | | | | | | | | | $50,000 | | | |
| 1 | Temple Homebuilders Assoc.<br>Temple, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 100.00 | 2-29-88 | | |
| 2 | Baldwin Wallace College<br>Berea, OH | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 750.00 | 3-1-88 | | |
| 3 | Oklahoma City University<br>Oklahoma City, OK | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 901.52 | 3-18-88 | | |
| 4 | Carrollton-Farmer's Branch<br>ISD, Carrollton, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 191.58 | 4-15-88 | | |
| 5 | Minnie Piper Stevens Found.<br>San Antonio, TX | | | | | | | | | | | | | | Award | | | | | | | | | $2500.00 | 5-2-88 | | |
| 6 | Northwest School District<br>Cincinnati, OH | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 750.00 | 5-4-88 | | |
| 7 | Rice University<br>Houston, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 186.74 | 5-24-88 | | |
| 8 | Arlington Chamber of<br>Commerce, Arlington, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 500.00 | 7-11-88 | | |
| 9 | Texas Farm Bureau<br>Waco, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 300.00 | 6-15-88 | | |
| 10 | Free Market Education<br>Foundation, Houston, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 592.70 | 7-22-88 | | |

PREVIOUS EDITION USABLE

| Reporting Individual's Name | | Page Number | Schedule |
|---|---|---|---|
| Calvin A. Kent | **Assets and Income** | 6 | A |

All Filers: In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

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| | BLOCK A<br>Assets & Income Sources | BLOCK B<br>Valuation of Assets | | | | | | | See Notes on Page 5 | | | | | | BLOCK C<br>Income | | | | | | | | | | | BLOCK D<br>Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Identify each asset and income source of yours, your spouse(S) and your dependent child (DC).<br>NONE ☐ | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | Other (Specify Type) | Category of Amount of Income (X) | | | | | | | | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | If yes, complete Sch. B Part I for those assets including those sold for a loss. | |
| S or DC | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | | | YES | NO |
| Example | XYZ Common | | | | x | | | | x | | | | | | | | | x | | | | | | — | | x | |
| | Doe Jones & Smith, Hometown, USA | | | x | | | | | | | | | | | partnership income | | | | | | | | | $50,000 | | | |
| 1 | Towbes Foundation<br>Santa Barbara, CA | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 916.00 | 9-9-88 | | |
| 2 | Texas Council on Economic<br>Education, Houston, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 157.73 | 9-20-88 | | |
| 3 | John Carroll University<br>Cleveland, OH | | | | | | | | | | | | | | Honoraria | | | | | | | | | $1100.00 | 11-1-88 | | |
| 4 | University of Mississippi<br>Oxford, MS | | | | | | | | | | | | | | Honoraria | | | | | | | | | $1265.00 | 11-11-88 | | |
| 5 | West Texas State University<br>Canyon, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 629.00 | 3-22-89 | | |
| 6 | Arlington Chamber of Commerce<br>Arlington, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 150.00 | 4-5-89 | | |
| 7 | Texas Council on Economic<br>Education, Houston, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 309.24 | 6-12-89 | | |
| 8 | Texas Farm Bureau<br>Waco, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 325.00 | 6-14-89 | | |
| 9 | Arlington Chamber of<br>Commerce, Arlington, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 500.00 | 7-10-89 | | |
| 10 | Lufkin ISD<br>Lufkin, TX | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 283.23 | 9-23-89 | | |

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| Reporting Individual's Name | Assets and Income | Page Number | 7 | Schedule A |
|---|---|---|---|---|
| Calvin A. Kent | | | | |

**All Filers:** In BLOCK A report (a) the identity of each asset held for the production of income at the close of the reporting period which had a fair market value exceeding $1000 and (b) any other asset or source of income which generated over $100 in income during the reporting period. This includes but is not limited to employers, stocks, bonds, tax shelters, bank accounts, real property, mutual funds, pensions, IRA assets, assets of certain trusts, commodities futures, personal businesses and partnership interests. Exclude your personal residence unless you rent it out. See instructions for rules on bank accounts and complex holdings.

**All Filers:** In BLOCK B report the value of each asset listed in BLOCK A which had a fair market value exceeding $1000 at the close of the reporting period.

**All Filers:** In BLOCK C report the type and amount of income exceeding $100 received from the assets and other sources of income listed in BLOCK A. You must report the actual amount of any income not of a type specifically noted below. You need not report the actual amount of your spouse's earned income, only the source in BLOCK A. You may not check "qualified trust" unless you have a blind trust which has been specifically approved by the Office of Government Ethics. If you, your spouse or dependent child are the beneficiary of a trust which no one of you created and has no knowledge of the assets, refer to the instructions to see if it qualifies as an "excepted trust." If "none" (or less than $101) is checked under Category of Amount of Income, no other entries need be made in BLOCK C for that item.

**Incumbents and Termination Filers only:** In BLOCK D, for any real property, stocks, bonds, commodities futures and other securities listed in BLOCK A, did you purchase, sell, or exchange the item during the reporting period for a value that exceeds $1000?

| | BLOCK A Assets & Income Sources | BLOCK B Valuation of Assets | | | | | | | BLOCK C Income | | | | | | | | | | | | | | | | | BLOCK D Transactions Test | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Identify each asset and income source of yours, your spouse(S) and your dependent child (DC). NONE ☐ | Category of Value (X) | | | | | | | Type of Income (X) | | | | | | Other (Specify Type) | Category of Amount of Income (X) | | | | | | | | Actual Amount Only if "Other" Specified | Date (Mo., Day, Yr.) Only if Honoraria | If yes, complete Sche. B Part I for those assets including those sold for a loss. | |
| S or DC | | None (or less than $1001) | $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 | Dividends | Rent | Interest | Capital Gains | Excepted Trust | Qualified Trust | | None (or less than $101) | $101-$1,000 | $1,001-$2,500 | $2,501-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | Over $100,000 | | | YES | NO |
| Example | X Y Z Common | | | | x | | | | x | | | | | | | | | x | | | | | | -- | | x | |
| | Doe Jones & Smith, Hometown, USA | | | x | | | | | | | | | | | partnership income | | | | | | | | | $50,000 | | | |
| 1 | Joint Council on Economic Education, New York, NY | | | | | | | | | | | | | | Award | | | | | | | | | $ 500.00 | | | |
| 2 | Chamber of Commerce Corsicana, Texas | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 185.00 | 1-25-90 | | |
| 3 | Chamber of Commerce Longview, Texas | | | | | | | | | | | | | | Honoraria | | | | | | | | | $ 237.00 | 2-15-90 | 6/11/90 | |
| 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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U.S. Office of Personnel Management

OMB No. 3206-0092

| | | | |
|---|---|---|---|
| Page Number | 8 | Schedule B | |

Reporting Individual's Name

Calvin A. Kent

## Part I
## Transactions

**Incumbents and Termination Filers only:** Report any purchase, sale or exchange by you, your spouse or dependent child during the reporting period of any real property, stocks, bonds, commodities futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss. Do not report a transaction involving property used solely as your personal residence, or a transaction between you, your spouse or your dependent child.

NONE ☐

| S or DC | | Identification of Assets | Type of Transaction (X) Purchase | Sale | Exchange | Date (Mo., Day, Yr.) | Amount of Transaction (X) $1,001-$5,000 | $5,001-$15,000 | $15,001-$50,000 | $50,001-$100,000 | $100,001-$250,000 | Over $250,000 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Example | X Y Z Common | X | | | 2/1/83 | | | X | | | |
| 1 | | Nominee - not applicable | | | | | | | | | | |
| 2 | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | |

## Part II
## Gifts, Reimbursements and Travel Expenses

**Incumbents and Termination Filers only:** Report the source, a brief description and the value of: (1) in-kind gifts of transportation, lodging, food or entertainment received from one source totaling $250 or more unless received as personal hospitality at the donor's personal or family, residence; (2) other gifts received from one source totaling $100 or more in value; and (3) cash reimbursements of $250 or more received from one source. Exclude gifts and reimbursements received by your spouse that were given totally independent of their relationship to you. Exclude transportation, lodging, food and reimbursements from the U.S. Government. For (1) and (2), exclude gifts from relatives and exclude gifts of $35 or less when aggregating them for the total from one source. See instructions for further exclusions.

NONE ☐

| S | | Source (Name and Address) | Brief Description | Value |
|---|---|---|---|---|
| | Example | Nat'l Assn. of Rock Collectors, NY, NY | Airline ticket, hotel room & meals incident to national conference 6/15/83 | $500 |
| | Example | Nat'l Assn. of Rock Collectors, NY, NY | Leather briefcase for retiring president | $125 |
| 1 | | Nominee - not applicable | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |

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| Reporting Individual's Name | |
|---|---|
| Calvin A. Kent | |

| Page Number | Schedule |
|---|---|
| 9 | C |

## Part I
## Liabilities

**All Filers:** Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse or dependent child. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and liabilities owed to relatives. See instructions for revolving charge accounts.

NONE ☒

| S or DC | | Creditor (Name and Address) | Type of Liability | Date Incurred | Interest Rate | Term if applicable | Category of Amount or Value (X) $10,001 to $15,000 | $15,001 to $50,000 | $50,001 to $100,000 | $100,001 to $250,000 | Over $250,000 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Example: | First District Bank, Washington, DC | Mortgage on rental property, Rehoboth Beach, Delaware | 1981 | 13% | 25 yrs. | | | X | | |
| | | John Jones, 123 J St., Washington, DC | Promissory note | 1979 | 10% | on demand | X | | | | |
| | 1 | | | | | | | | | | |
| | 2 | | | | | | | | | | |
| | 3 | | | | | | | | | | |
| | 4 | | | | | | | | | | |
| | 5 | | | | | | | | | | |
| | 6 | | | | | | | | | | |

## Part II
## Agreements Or Arrangements

**All Filers:** Report your agreements or arrangements for future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

NONE ☐

| Status and Terms of any Agreement or Arrangement | Parties | Date (Mo., Yr.) |
|---|---|---|
| Example: Pursuant to partnership agreement, will receive capital account & partnership share calculated on service performed through 11/83 | Doe Jones & Smith, Hometown, USA | 7/78 partnership agmt. |
| Will terminate employment at Baylor University upon confirmation (will be on a leave of absence - will retain retirement program interest) we 6/11/90 | Baylor University, Waco, TX | |
| Will resign office in Venture Assistance Inc. upon confirmation | Venture Assistance Inc., Waco, TX | |
| Will resign office in Association for Private Enterprise Education upon confirmation | Association for Private Enterprise Education, | |
| | Atlanta, GA | |
| Will resign office in Society of Economic Educators upon confirmation | Society for Economic Educators, Waco, TX | |
| Annuity resulting from employment by Baylor University | Southern Baptist Convention | |

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we 6/11/90

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U.S. Office of Personnel Management

FORM APPROVED
OMB No. 3209-0003

| Page Number | 10 | Schedule D |
|---|---|---|

Reporting Individual's Name

Calvin A. Kent

## Part I
## Positions Held Outside U.S. Government

All positions are unpaid.

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

KB 6/11/90

| | Organization (Name and Address) | Type of Organization | Position Held | From (Mo., Yr.) | To (Mo., Yr.) |
|---|---|---|---|---|---|
| Examples: | Nat'l Assn. of Rock Collectors, NY, NY | Non-profit education | President | 6/82 | 6/83 |
| | Doe Jones & Smith, Hometown, USA | Law firm | Partner | 7/75 | 11/83 |
| | City of Woodway, Texas | Municipality | City Council member and Mayor | 4/86 | Current |
| | Venture Assistance Inc., Waco, TX | consulting firm | Secretary/Treasurer | 6/80 | Current |
| | Association for Private Enterprise Education, Atlanta, GA | non-profit education | Secretary/Treasurer | 4/81 | Current |
| | Society of Economic Educators, Waco, TX | non-profit education | Secretary/Treasurer | 2/86 | Current |
| | Professional Development Programs, Waco, TX | consulting firm | Consultant to PDP | 10/78 | Current |
| | Waco Athletic and Raquet Club, Waco, TX – no compensation | Athletic club | Board of Directors | 6/88 | Current |
| | Baylor University, Waco, TX | non-profit education | employee | 7/78 | Current |

## Part II
## Compensation In Excess Of $5000 Paid by One Source

Compensation(grants) received by Baylor University for services provided by me are indicated with (Baylor) following the name of the source.

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

| | Source (Name and Address) | Brief Description of Duties |
|---|---|---|
| Examples: | Doe Jones & Smith, Hometown, USA | Legal services |
| | Metro University (client of Doe Jones & Smith) Hometown, USA | Legal services in connection with university construction |
| | Venture Assistance, Inc., Waco, TX (Baylor) | Developed curriculum materials under a subcontract from Baylor University for the "Entrepreneurship/Economics Education $E^3$" project which was funded by a grant from the Pew Freedom Trusts of Philadelphia, PA. |
| | Professional Development Program (P.D.P.), Waco, TX | Taught courses in utility economics as part of P.D.P.'s seminars for mid and upper level seminars for utility executives |
| | Texas Association of Business, Austin, TX (Baylor) | Conducted the annual "Bill Grey Awards for Excellence in Private Enterprise Education" under a contract with Baylor University. |
| | Rotary Clubs of District 587, Texas (Baylor) | Conducted the annual "Leadership in Free Enterprise (L.I.F.E.)" program which is funded by the 27 Rotary Clubs of District 587 in Texas. This program is part of Baylor University's summer sessions. |

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| Page Number | 11 | Schedule D |
|---|---|---|

Reporting Individual's Name

Calvin A. Kent

## Part I
## Positions Held Outside U.S. Government

All Filers: Report any positions held during the applicable reporting period. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature.

NONE ☐

| | Organization (Name and Address) | Type of Organization | Position Held | From (Mo., Yr.) | To (Mo., Yr.) |
|---|---|---|---|---|---|
| Examples: | Nat'l Assn. of Rock Collectors, NY, NY | Non profit education | President | 6/82 | 6/83 |
| | Doe Jones & Smith, Hometown, USA | Law firm | Partner | 7/78 | 11/83 |
| | Texas Council on Economic Education, Houston, TX | non-profit education | Board of Directors<br>Executive Committee | 4/88 | Current |
| | National Federation of Independent Business, Washington, D.C. | non-profit education | Education Advisory Committee | 6/87 | Current |
| | Heart of Texas Private Industry Council, Waco, TX | government agency | Board of Directors | 6/86 | 5/88 |
| | Texas Utilities Electric, Dallas, TX | electric utility | Education Advisory Committee | 9/88 | Current |
| | Heart of Texas Goodwill Industries, Waco, TX | non-profit | Board Member<br>President | 1983<br>1985 | 1987<br>1986 |
| | United Way of McLennan County | non-profit | Allocations Board | 1985 | 1986 |

## Part II
## Compensation In Excess Of $5000
## Paid by One Source

Nominees and New Entrants only: Report sources of such compensation received by you or your business affiliation for services directly provided by you during the reporting period. This includes the names of clients and customers of any corporation, firm, partnership or other business enterprise, or any nonprofit organization, when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

NONE ☐

| | Source (Name and Address) | Brief Description of Duties |
|---|---|---|
| Examples: | Doe Jones & Smith, Hometown, USA | Legal services |
| | Metro University (client of Doe Jones & Smith) Hometown, USA | Legal services in connection with university construction |
| | American Enterprise Forum, Dallas, TX (Baylor) | Conducted annual American Heritage Workshop for In-Service teachers. This is part of Baylor University's summer sessions. |
| | Cooper Foundation, Waco, TX (Baylor) | Received grant to conduct Developmental Economics Education program (DEEP) in Central Texas schools. |
| | | |
| | | |
| | | |

PREVIOUS EDITION USABLE

278-108

# UNITED STATES SENATE

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

## STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: LEROY (LAST) DAVID (FIRST) HENRY (OTHER)

Position to which nominated: NUCLEAR WASTE NEGOTIATOR

Date of nomination: 6/04/90

Date of birth: 16 (DAY) 8 (MONTH) 47 (YEAR)

Place of birth: SEATTLE, WASHINGTON

Marital status: MARRIED

Full name of spouse: HELEN LAVONNE TRANSUE

Name and ages of children JORDAN SARAH, 10 YEARS

ADAM DAVID, 6 YEARS

Education:

| Institution | Dates attended | Degrees received | Dates of degrees |
|---|---|---|---|
| LEWISTON, ID HIGH SCH | 1962-1965 | H.S. | 1965 |
| UNIV. OF IDAHO | 1965-1971 | B.S.BUSINESS | 1969 |
| | | J.D.LAW | 1971 |
| NEW YORK UNIVERSITY | 1971-1972 | LLM LAW | 1972 |

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

ASSOCIATE ATTORNEY, ROTHBLATT, ROTHBLATT, SEIJAS & PESKIN, NYC, 1971-72

DEPUTY PROSECUTOR, ADA COUNTY, BOISE, ID, 1973-1974

PROSECUTING ATTORNEY, ADA COUNTY, BOISE, ID, 1974-1978

ATTORNEY GENERAL, STATE OF IDAHO, BOISE ID, 1979-1983

PARTNER/ATTORNEY, RUNFT, LEROY, COFFIN & MATTHEWS, BOISE, ID, 1983-1988

ATTORNEY, LEROY LAW OFFICES, BOISE ID, 1988-PRESENT

**Employment record—Continued**

**Military service:** Describe any military service not listed above, including dates, rank, and type of discharge.

NONE

**Honors and awards:** List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

STUDENT BODY PRESIDENT, UNIVERSITY OF IDAHO, 1967; INTERCOLLEGIATE KNIGHTS, SILVER LANCE, BLUE KEY, PI OMICRON SIGMA, ORDER OF THE BARRISTER; AMERICAN TRIAL LAWYERS ASSN. SCHOLARSHIP; IDAHO & NATIONAL MOOT COURT COMPETITIONS; OUTSTANDING YOUNG MEN OF AMERICA; WHO'S WHO IN AMERICA; WHO'S WHO IN AMERICAN POLITICS; J.C. OUTSTANDING YOUNG IDAHOAN, 1983; WHO'S WHO IN THE WEST; WHO'S WHO OF EMERGING LEADERS IN AMERICA; IDAHO REPUBLICAN HALL OF FAME; OUTSTANDING ADMINISTRATIVE OFFICIAL, 1983.

**Memberships:** List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

| Organization | Dates | Office held (if any) |
|---|---|---|
| NATIONAL CAUCUS OF REPUB. LT. GOVS. | 1983-1985 | FOUNDER & CHAIRMAN |
| NAT. CONFERENCE OF LT. GOVS. | 1983-1987 | CHMN, WESTERN REGION, EX. BD. |
| NAT. ASSN. OF ATTYS. GENERAL | 1979-1983 | CHMN, WEST. CONF., EX. BD. |
| IDAHO, U.S. SUPREME COURT, & | 1971-PRESENT | |
| NEW YORK BAR ASSOCIATIONS | | |
| ID. ASSN. OF COMMERCE & INDUSTRY | 1988-PRESENT | |

**Published writings:** List the titles, publishers and dates of any books, articles, or reports you have written.

"RUNNING FOR GOVERNOR IN THE WEST," IDAHO STATE UNIV. JOURNAL OF ARTS, VOL. XXIV, FALL 1988, NO. 1; "THE INSANITY DEFENSE REFORM ACT," THE SOURCE BOOK OF AMERICAN LEGISLATION, 1983-84; "WHO WILL GOVERN," THE INSTITUTE OF THE AMERICAN WEST, 1982; "THE 1976 PRESIDENTIAL NOMINATION PROCESS IN IDAHO," U OF I BUREAU OF PUBLIC AFFAIRS RESEARCH, 1976; "HANDBOOK OF IDAHO CRIMINAL COMPLAINTS" WITH RONALD HOWEN, 1976; "A MANUAL OF FORMS FOR SOCIAL WORK IN IDAHO" WITH JUDGE GERALD SCHROEDER, 1974 & 1975;"MOTION IN LIMINE PRACTICE" BANCROFT WHITNEY, AM JUR TRIALS, 1973; "AVOIDING PSYCHIATRIC MALPRACTICE," CAL WESTERN LAW REVIEW, 1973; "THE POTENTIAL CRIMINAL LIABILITY OF HUMAN SEX CLINICS," ST. LOUIS UNIVERSITY LAW JOURNAL, 1972; "THE MOTION IN LIMINE IN CRIMINAL TRIALS," KENTUCKY LAW JOURNAL, 1972; OPINIONS OF THE IDAHO ATTORNEY GENERAL, 4 VOLUMES, 1979-1982

**Future employment relationships:**

1. Will you sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate?

NO - POSITION IS A "SPECIAL GOVERNMENT EMPLOYEE" STATUS POST PERMITTING MAINTENANCE OF OTHER EMPLOYMENT.

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization?

I PLAN TO MAINTAIN MY CURRENT LOCAL LAW PRACTICE AND OTHER ACTIVITIES.

3. Has a commitment for employment after you leave government been made to you by anyone? Have you made any such commitment?

NO

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

YES.

**Future employment relationships—Continued**

(b) If you have been appointed for an indefinite term, are there any known limitations on your willingness or ability to serve for the foreseeable future?

NONE - THE OFFICE UNDER CURRENT LEGISLATION IS SCHEDULED TO EXPIRE IN JANUARY, 1993.

**Financial statement:**

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

NONE, EXCEPT $34,000.00 IN A STATE OF IDAHO RETIREMENT PLAN.

3. Are you currently a party to any legal action? If so, describe its nature and status.

YES, DEFENDANT IN AN ACTION FOR BACK SALARY FILED BY A FORMER CAMPAIGN MANAGER FROM THE 1986 IDAHO GOVERNOR'S RACE. THE COMPLAINT WAS FILED AUGUST 25, 1989. NO ACTION HAS BEEN TAKEN SINCE THAT TIME.

4. Have you ever declared bankruptcy? If so, describe the circumstances.

NO.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain.

YES.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

IN APPROXIMATELY 1975 WE DISCUSSED A CLAIM FOR EMPLOYEE AUTO EXPENSES. RESOLVED IN MY FAVOR.

**Potential conflicts of interest:**

1. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

NONE

2. Describe any business relationship, dealing or financial transaction (other than taxpaying) that you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, which might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

NONE

3. Describe any lobbying activity which you have performed during the past 10 years with respect to legislative or administrative actions at the Federal, State or local level.

I REGULARLY REPRESENT INDIVIDUAL, BUSINESS AND PUBLIC ENTITY CLIENTS BEFORE THE IDAHO LEGISLATURE. AS REQUIRED BY STATE LAW, I MAINTAIN DISLCOSURE REGISTRATION WITH THE IDAHO SECRETARY OF STATE.

4. Have you been informed of the conflict of interest laws and regulations applicable to the position to which you have been nominated?

YES.

**Potential conflicts of interest—Continued**

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to this form and the attachments thereto. Attach a statement of the appropriate agency ethics official explaining the applicable laws or regulations, any potential conflicts, and the action required to resolve such conflicts.

I WILL FULLY COMPLY WITH ANY RECOMMENDATIONS OF THE OFFICE OF GOVERNMENT ETHICS. I HAVE OBTAINED THE ATTACHED REVIEW LETTER FROM THE NUCLEAR REG. COMMIS. AND WILL REQUEST ~~THE SUGGESTED 18 USC 208(B)(1) WAIVER~~ AS TO TO THE STATE OF IDAHO RETIREMENT PLAN.

6. Explain how you will resolve any potential conflicts of interest that may arise in the future if you are confirmed for the position for which you have been nominated.

I WILL CONSULT AND COMPLY WITH THE RECOMMENDATIONS OF THE AGENCY ETHICS OFFICER AND THE OFFICE OF GOVERNMENT ETHICS. I HAVE ATTACHED A LETTER, AS SUGGESTED BY THE NRC, REGARDING THE LIMITATION OF FUTURE LAW CLIENTS.

**Public disclosure:** Do you have any objections to this form and the attachments thereto being made public?

NO.

AFFIDAVIT

STATE OF IDAHO
COUNTY OF ADA ) ss

I, DAVID H. LEROY, being duly sworn, hereby state that I have read the foregoing Statement for Completion by Presidential Nominees, including all attachments thereto, and that the information provided therein is, to the best of my knowledge and belief, current, accurate, and complete.

David H Leroy
(Signature of Nominee)

Subscribed and sworn to before , this 5TH day of JULY , 19 90

Jodi Stoddard
Notary Public

My commission expires 1/28/91

Form approved by the Committee February 5, 1985.

U.S. GOVERNMENT PRINTING OFFICE: 1987—67-074

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 14, 1990

The Honorable Donald E. Campbell
Acting Director, Office of
Government Ethics
1201 New York Avenue, N.W.
Washington, D.C. 20005

Dear Mr. Campbell:

At the request of your office, I have reviewed the Financial Disclosure Report of David H. Leroy, who has been nominated to be Nuclear Waste Negotiator. Pat Ryan, of your office, conducted an initial review of this Report and suggested that additional information be obtained from Mr. Leroy regarding several of his financial interests. I have obtained the needed information. Below I will set forth my recommendations and provide you with additional information regarding his financial interests.

Mr. Leroy practices law as a sole practioner. He has advised me that none of his clients has financial interests that could be affected by his activities as Waste Negotiator. Since the Waste Negotiator position is a part-time position and Mr. Leroy intends to continue his law practice, I would suggest that Mr. Leroy provide a written commitment that if he is confirmed, he will not accept clients that have financial interests relating to nuclear waste or that could otherwise be affected by his activities as Waste Negotiator.

The only financial interest that Mr. Leroy reports that could be of potential concern is that he has a vested interest in the State of Idaho retirement program. Conceivably, Mr. Leroy would want to discuss with the State of Idaho the possibility of locating a nuclear waste storage or disposal facility within that State. As the attached letter from the Executive Director of the Public Employee Retirement System of Idaho indicates, Mr. Leroy's pension will be based on a formula that will not be affected by the performance of the retirement program's investments. No more than five percent of the fund is placed in any investment. I have enclosed a copy of the booklet describing the retirement plan in greater detail. Under the circumstances, serious consideration should be given to granting Mr. Leroy, after he is confirmed, an 18 U.S.C. 208 (b)(1) waiver which would permit him to work on matters affecting the State of Idaho. None of his other financial interests create any conflict of interest concerns.

18 JUNE 90

I now set forth the specific information that your office requested with respect to some of his reported interests. There is extra space in Mr. Leroy's law office in Boise. The Leroy Group rents this space out. Currently, this space is not leased. Mr. Leroy has advised me that his law office may use the space, but that if the Leroy Group did lease it out, it would not be to anyone who has financial interests that could be affected by Mr. Leroy's federal responsibilities.

For the services rendered to Judicial Resources Inc., he was given an ownership interest in the Corporation. He was not paid a salary; instead, he received dividends, which have been reported on his form. He did not receive any income from his service as Director of Group 2000. With respect to his service as an Advisory Board member for Foremost Dairies Northwest, he received $1000 for attending a board meeting. His Report also indicates that Foremost Dairies Northwest is one of his clients.

Mr. Leroy for several years was a partner in the law firm of Runft, Leroy, Coffin & Matthews. When the firm dissolved, the entire sum to which he was entitled was placed in a retirement account set up by Shearson-Lehman. The assets of that account are attached and are reported on his form.

With respect to the relationship between Mr. Leroy and Chuck Blanton, Mr. Blanton, a Idaho attorney who is not related to Mr. Leroy, purchased from Mr. Leroy the building where Mr. Leroy's law office is located. As part of this transaction, Mr. Leroy took back a personal note. The note has now expired and remaining payments are now due.

Finally, with respect to the activities of his clients, the Dakota Partners and the Galena Partners, are basically investment groups that are not engaged in activities that would be affected by Mr. Leroy's federal employment.

If you need further assistance, please do not hesitate to call me.

Sincerely,

Trip Rothschild

Trip Rothschild
Deputy Assistant General
Counsel for Adjudications
and Opinions

Enclosures:
1. Financial Disclosure Report
2. Letter from Alan Winkle
3. Public Employee Retirement System
   Handbook

D Leroy

DAVID H. LEROY ATTORNEY AT LAW

July 5, 1990

The Honorable Donald E. Campbell
Acting Director, Office of Government Ethics
1201 New York Avenue, NW
Washington, D.C. 20005

Re: Statement regarding avoidance of future conflicts of interest for service as United States Nuclear Waste Negotiator

Dear Mr. Campbell:

By letter to you dated June 14, 1990, Deputy Assistant General Counsel Tripp Rothschild of the Nuclear Regulatory Commission reported on his review of a Financial Disclosure Report filed by me in connection with my nomination by the President as Nuclear Waste Negotiator. In his second paragraph, Mr. Rothschild recommends that I give certain written commitments to assure the avoidance of conflicts or the appearance of conflicts between that government position and my ongoing local law practice. I am pleased to do so as follows:

> If I am confirmed to the position of United States Nuclear Waste Negotiator, I will not accept clients in my law practice or engage in any non-law business activities with persons or entities who or which have financial interests relating to nuclear waste or that could otherwise be affected by my official activities and duties. Should any conflict question or situation arise, it is my intention to consult with your staff and the designated Agency Ethics Official for the Nuclear Waste Office and to follow such advice as may be offered to avoid conflicts or the appearance of conflicts.

*Emphasizing Government &*
*Administrative Law*

*701 West Franklin*
*P.O. Box 193, Boise, Idaho 83701*
*(208) 342-0000*
*FAX (208) 343-3400*

*Bitterroot Square*
*Ketchum, Idaho 83340*
*(208) 726-1000*

Thank you for the opportunity to work with you on these important matters. I am also providing a copy of this letter to the Senate Energy and Natural Resources Committee for their use in the confirmation process.

Very truly yours,

Dave Leroy

DAVID H. LEROY

cc: Senate Energy Committee
Tripp Rothschild, NRC

(8)

Form Approved OMB No. 3209-0002

Page 1

Reporting Status *(Check Appropriate Box)*

☐ Incumbent ☒ New Entrant, Nominee, or Candidate ☐ Termination Filer

Agency Use Only:

OGE Use Only: 1-14-90 ⓔ.

Date of Appointment, Candidacy, Election or Nomination *(Mo., Day, Yr.)*: 6/5/90

Termination Date *(If Applicable)* *(Month, Day, Year)*:

**Reporting Individual's Name**

Last Name: LEROY

First Name and Middle Initial: DAVID H.

**Position for Which Filing**

Title of Position: NUCLEAR WASTE NEGOTIATOR

Department or Agency *(If Applicable)*: Office of ~~INDEPENDENT~~ the Nuclear Waste Negotiator

**Location of Present Office**

Address *(Number, Street, City, State and ZIP Code)*: 701 WEST FRANKLIN, BOISE, ID 83702

Telephone No. *(Include Area Code)*: 208-342-0000

**Position(s) Held With the Federal Government During the Preceding 12 Months *(If Not Same as Above)***

Title of Position(s) and Date(s) Held: NONE

**Presidential Nominees Subject to Senate Confirmation**

Name of Congressional Committee Considering Nomination: SENATE ENVIRONMENT; ENERGY; OR GOVT AFFAIRS

Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

**Certification**

I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.

Signature of Reporting Individual: Leroy

Date *(Month, Day, Year)*: 3-5-90

**Other Review** (If desired by agency)

Signature of Other Reviewer:

Date *(Month, Day, Year)*:

**Agency Ethics Official's Opinion**

The information contained in this report discloses no conflict of interest under applicable laws and regulations.

Signature of Designated Agency Ethics Official/Reviewing Official: James A. Fitzgerald for TR

Date *(Month, Day, Year)*: 6/15/90

**Office of Government Ethics Use Only**

6/21/90 6-18 ⓡ

Signature: Donald E. Campbell

Date *(Month, Day, Year)*: 6/21/90

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

1/ Per telecon with Tripp Rothchild, NRC. 6/18/90. ⓜ

*(Check box if comments are continued on the reverse side)* ☐

## Reporting Periods

**Incumbents:** Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year except for Part II of Schedule C and Part I of Schedule D where you must also include any positions held or agreements or arrangements made from the beginning of the filing year until the date you file.

**Termination Filers:** Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination.

**Nominees, New Entrants and Candidates for President and Vice President:** Complete Schedules A, C, and D. (Candidates do not file Part II of Schedule D.)

- **Schedule A**—The reporting period for income (BLOCK C) and Transactions Test (BLOCK D) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part I (Liabilities)**—The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.
- **Schedule C, Part II (Agreements and Arrangements)**—Show any agreements or arrangements as of the date of filing.
- **Schedule D**—The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

PREVIOUS EDITION USABLE

278-108

## APPENDIX II

## RESPONSES TO ADDITIONAL QUESTIONS

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# POST-HEARING QUESTIONS AND ANSWERS RELATING TO THE JULY 19, 1990, HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

PAUL L. ZIEMER

NOMINEE FOR THE POSITION OF
ASSISTANT SECRETARY OF ENERGY FOR
ENVIRONMENT, SAFETY AND HEALTH

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 1: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

Answer: No.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 2: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

Answer: No.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 3: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 4: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adivser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 5: If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

Answer: No.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

| | |
|---|---|
| Question 6: | During the past ten years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, or a foreign government or an entity controlled by a foreign government? If so, please furnish details. |
| Answer: | No. |

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

| | |
|---|---|
| Question 7: | Have you or your spouse ever registered under the foreign Agents Registration Act? If so, please furnish details. |
| Answer: | No. |

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 8: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing: If not, please explain.

Answer: Yes.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

| | |
|---|---|
| Question 9: | Have all your Federal, State, and local taxes always been paid on time? If not, please explain. |
| Answer: | Yes. |

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 10: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

Answer: None.

## QUESTIONS SUBMITTED BY CHAIRMAN JOHNSTON

Question 11: Please advise the Committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

Answer: None.

## QUESTIONS FROM SENATOR J. BENNETT JOHNSTON

Question 12: Recently the Department transferred the Northern Marshall Islands programs from Atomic Energy Defense to Environment and Health. This transfer was made without consulting with this Committee, in spite of repeated requests for consultation and in spite of our longstanding interest and involvement in policy for these islands. If this transfer remains in effect, will you commit to seek consultation with this Committee before any future changes in the programs are made?

Answer: I have some personal knowledge of the longstanding nature of the Marshall Islands programs. As a scientist, I was part of a team several years ago that reviewed the uptakes of plutonium by the teeth of children in the Marshallese populations. It is my understanding that this transfer within DOE was to accomplish the Secretary's overall objective of consolidating those activities that deal with occupational and public health so that they would be directly overseen and managed by the Department health professionals. An important aspect of the DOE's continuing involvement will most certainly center around health surveillance of the exposed Marshallese population. It would be my intention, if confirmed, to keep the Committee fully informed and seek consultation relative to any anticipated changes in the direction of these programs.

## QUESTIONS FROM SENATOR J. BENNETT JOHNSTON

Question 13: I am particularly concerned that the carefully developed expertise and credibility of DOE and contractor personnel involved in the Northern Marshall Islands programs not be compromised or lost in the course of this transfer. Can you assure me that you will familiarize yourself with the situation as soon as possible, that you will then seek the Committee's advice on the transfer of the Northern Marshall Islands programs, and that the current program will be transferred intact and without changes?

Answer: I have been briefed on DOE's plans to transfer all health related responsibilities to the new Office of Health, including the Marshall Islands program. I agree that the carefully developed expertise involved with the Marshall Islands program should not be compromised or lost in the course of this transfer. Accordingly, if confirmed, I will pay particular attention to this matter. Consistent with my preceeding answer, I will ensure that the Congress will be consulted relative to any anticipated changes in the direction of these programs.

QUESTIONS FROM SENATOR J. BENNETT JOHNSTON

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| Question 14: | There has been a significant reorganization of the functions of the Office of Environment, Safety, and Health since the beginning of 1989.<br>Do you have a good sense of the responsibilities of this position and how you will interact with the other assistant secretaries, such as the heads of the Office of Defense Programs, the Office of Nuclear Energy, the Office of Environmental Restoration and Waste Management?<br>What do you consider to be the most significant responsibilities of the Assistant Secretary for Environment, Safety, and Health? |
| Answer: | I am familiar with the responsibilities of the Office of Environment, Safety and Health, including the recent initiatives by Secretary Watkins and the associated reorganization. I would expect to work closely with the other assistant secretaries in order to maintain an awareness of their programs, directions, priorities, and concerns. At the same time, I would seek to maintain the independence of the Office of Environment, Safety and Health to assure that oversight activities are objective, fair, and consistent with appropriate regulations and standards.<br>Although all of the responsibilities of the Assistant Secretary for Environment, Safety and |

Health are significant, those that have an immediate high priority are:

1) Implementing of the health-related initiatives that resulted from the recommendation of the Secretary's Panel for the Evaluation of Epidemiological Research Activities (SPEERA),
2) Achieving a full capability to meet OSHA requirements in DOE facilities.

## QUESTIONS FROM SENATOR J. BENNETT JOHNSTON

Question 15: Many people, including some members of this Committee, have raised concern that the Department's nuclear facilities have not been subject to the Occupational Safety and Health Act. Admiral Watkins proposed last year to phase-in full compliance with the OSHA Act. Some people do not believe this initiative goes far enough, that instead the Department should be subject to oversight and inspections by OSHA personnel.

What is your opinion of this?

Answer: Secretary Watkins has publicly emphasized the strengthening of DOE and contractor line management responsibility for operations, with safety and health of workers being an integral part of that mission. I am aware of the fact that about 1 year ago Secretary Watkins implemented his worker health and safety initiatives by requesting assistance from the Secretary of Labor.

I am informed that OSHA has agreed to assist DOE in training DOE safety and health personnel at the OSHA training institute in Illinois. The course is intended to provide DOE safety professionals with skills in hazard recognition of the same type as given to OSHA inspectors.

I do not believe that additional outside oversight will relieve DOE of its responsibility to ensure a safe workplace and protect worker health. Thus, the Department must vigorously pursue the initiatives that are already underway. If successful, I believe these actions will meet the concerns raised by the Committee and eliminate the perceived need to impose an additional layer of oversight.

QUESTIONS FROM SENATOR J. BENNETT JOHNSTON

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|---|---|
| Question 16: | Similarly, in the area of epidemiology, the Department has been criticized for keeping its radiation exposure data secret for so long. Admiral Watkins has committed to follow the recommendations of the so-called SPEERA panel. But some people do not believe that the Department has yet gone far enough in implementing these recommendations. They have suggested that the Department's radiation research programs should be fully transferred to the Department of Health and Human Services.<br>What is your opinion of this? |
| Answer: | The Secretary has already accepted many of the SPEERA recommendations. To that end, he issued numerous directives, one of which created the new Office of Health to oversee and manage DOE's occupational health programs. The Secretary directed that DOE should establish a very strong descriptive epidemiology program and should focus on upgrading its continuing health surveillance while transferring long-term analytical type of epidemiologic studies to the Department of Health and Human Services (HHS). I mention this because I strongly endorse the need to involve HHS in our analytical epidemiology program. Involving HHS in long-term reviews and research on health matters should measurably improve the credibility of the government's efforts to more fully understand potential health issues related to past |

operations. It also offers DOE the opportunity to focus its attention on assuring protection of its workers and the public in surrounding communities.

## QUESTIONS FROM SENATOR J. BENNETT JOHNSTON

Question 17: An independent scientific panel recently disclosed that there were significant releases of radiation in the 1940s during the early days of the Manhattan Project that may have resulted in significant exposures to the general public in the vicinity of Hanford.

Are there likely to be similar disclosures at other sites that were part of the Manhattan Project?

Should the Department be initiating dose reconstruction studies in the vicinity of other sites?

Answer: My understanding and personal knowledge from the available scientific literature and the public release of past studies would clearly suggest that environmental releases from other DOE defense facilities in the early stages of the Manhattan Project activities did occur. The level and significance of those potential exposures compared to the Hanford exposures are uncertain. It is my understanding that the Department already has on-going dose reconstruction projects at other sites.

## QUESTIONS FROM SENATOR MALCOLM WALLOP

Question 1: What will be your role, if any, in the direction of the project to map the human genome?

Answer: The Assistant Secretary for Environment, Safety and Health has no role in the direction of the project to map the human genome.

## QUESTIONS FROM SENATOR MALCOLM WALLOP

Question 2: One important health activity of the Department of Energy is involvement in the study of health effects (from exposure to radiation and hazardous waste). What role can your office perform to develop a more accurate methodology for assessing human health effects from environmental exposure?

Answer: The activities in dose reconstruction and the current and future epidemiological studies that are underway in the Office of Environment, Safety and Health should improve our knowledge of health effects. I would expect the methodology to develop and improve as more experience is gained in these areas.

In particular, I note that the Secretarial Panel for the Evaluation of Epidemiologic Research Activities (SPEERA) recommended that the Office play a key role in developing methodologies to be used in collecting, evaluating and assessing human health effects from environmental exposure. I support these recommendations and, if confirmed, will work actively to this end.

## QUESTIONS FROM SENATOR TIMOTHY WIRTH

Question 1: **The DOE Five Year Plan excluded the oversight functions of the Office of the Assistant Secretary for Environment, Safety and Health. Occupational health and safety issues are present throughout the DOE cleanup operations. Why shouldn't the Office of Environment, Safety and Health be involved in the planning and implementation of the Five Year Plan?**

Answer: I am aware of no "exclusion" of the Environment, Safety and Health oversight functions with respect to the Five Year Plan. As I understand it, the Office of Environment, Safety and Health participated in the preparation of the plan. Further, I note that the "Forward" to the current Five Year Plan specifically refers to the need for the Department to "continue to strengthen the independent internal oversight of the Assistant Secretary for Environment, Safety and Health..."

Actions undertaken in the implementation of the Five Year Plan are subject to the normal oversight insofar as compliance with regulations, rules, orders or other agreements is concerned. If confirmed, I will work to ensure that this policy directive is continued forward.

## QUESTIONS FROM SENATOR TIMOTHY WIRTH

Question 2: The Five-Year Plan states that there is more work than there are qualified workers to perform remediation activities at DOE sites. What is the role of your office in assuring that workers who perform cleanup at DOE facilities are properly trained and monitored so they are not at increased risk to adverse health effects of their work?

Answer: The line management organization is responsible for the actual training and monitoring of workers in accordance with the Department's policy. The Office of Environment, Safety and Health is responsible for oversight of the Department's program for training and health monitoring of workers. This includes establishment of standards, regulations and conduct of appraisals to assure that such activities are properly carried out.

I anticipate that this oversight role will increase in importance as the Department strives to implement Admiral Watkins' initiatives in the area of worker health and safety.

## QUESTIONS FROM SENATOR TIMOTHY WIRTH

Question 3: The DOE national staff in the Office of Environment, Safety and Health has been criticized for not having occupational safety and health managers to run the program. What will you do to assure that qualified occupational safety and health managers and personnel, who have been independent of DOE and its contractors, are hired by DOE?

Answer: I am aware that the Office of Environment, Safety and Health has underway efforts to increase the capability of current occupational safety and health personnel. For example, the site residents from this Office are undergoing OSHA training at the OSHA Training Institute in Illinois. I would expect to encourage actions, (including both training and hiring actions) that would provide for the best qualified persons to fill such positions, and to carry out their responsibilities in a competent and independent manner. If confirmed, I intend to aggressively seek high quality professional health and safety personnel to meet this expanding mission of the Office of Environment, Safety and Health.

## QUESTIONS FROM SENATOR TIMOTHY WIRTH

Question 4: The Five-Year Plan states that new technologies will be developed for the cleanup work. Much of this technology is experimental and poses unknown risks to workers and surrounding communities. What is the role of your office to assure that DOE includes worker health and safety factors in the development of these new technologies?

Answer: The oversight role of the Office of Environment, Safety and Health must include, as one of its most important features, review of the actions undertaken pursuant to the Five Year Plan to ensure that they comply with worker health and safety requirements. This role will extend to the use of new technologies utilized in the cleanup process, as they are introduced into general use.

## QUESTIONS FROM SENATOR TIMOTHY WIRTH

Question 5: **What resources will you commit your office to use in the development of occupational safety and health training programs for workers involved in DOE cleanup?**

Answer: I am generally aware of the role of the Office of Environment, Safety and Health in overseeing the adequacy of DOE occupational safety and health worker training programs. These programs will be a vital part of ensuring the health and safety of all DOE workers, including those involved in cleanup activities. If confirmed, I will work to ensure that the Office obtains and uses both the funding and the manpower needed to carry out this vital oversight role.

## QUESTIONS FROM SENATOR TIMOTHY WIRTH

Question 6: What is your personal professional experience with occupational safety and health programs?

Answer: In 1959, I worked as a reactor health physicist in the Health Physics Division of the Oak Ridge National Laboratory. In the fall of 1959, I left Oak Ridge to accept the position of Radiological Control Officer at Purdue University. My responsibilities there included the overall management of the university's radiation safety program as well as providing instruction in radiation safety principles and practices for staff and students. I was responsible for the radiation safety practices in all university facilities including several accelerators, a training reactor, high level irradiation facilities, medical and analytical x-ray facilities, and radioisotope laboratories.

Concurrent with my administrative responsibilities in the area of radiation safety, I was involved as a faculty member in developing academic programs at the BS, MS, and PhD level in health physics, industrial hygiene (occupational safety and health), and environmental health. I am pleased and proud to tell you that several hundred students that I have personally instructed in these areas are in the professional practice of health physics, industrial hygiene, or environmental health both in the United States and abroad.

# ADDITIONAL QUESTIONS FOR THE RECORD
# SUBMITTED BY CHAIRMAN JOHNSTON
# FOR CALVIN A. KENT

1. Q Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

   A No.

2. Q Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

   A No.

3. Q Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

   A No.

4. Q Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

   A No.

5. Q If you or your spouse have ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

   A No.

6. Q During the past ten years, have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so please furnish details.

   A No.

7. Q **Have you or your spouse ever registered under the Foreign Agents Registration Act? If so please furnish details.**

A No.

8. Q Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

A Yes.

9. Q Have all your Federal, State, and local taxes always been paid on time? If not, please explain.

A Yes.

10. Q If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election whichever is applicable?

A No.

11. Q Please advise the Committee of any additional information, favorable or unfavorable which you think the Committee would want to be aware of in considering your nomination.

A There is no additional information.

12. Q The FY 1991 request for the Energy Information Administration is $66.6 million. Last year's appropriation was $64.3 million. These amounts are a lot less than were provided when EIA was first established. (In FY 1980, EIA received over $100 million.)

What would your priorities be for the use of a 10% increase in EIA's appropriation?

20%?
50%?

A I am not fully informed regarding the details of EIA's FY 1991 budget request and cannot specifically comment on how budget increases of a given percentage could best be spent. I do know that EIA is being asked to expand its capabilities to provide analysis in the area of energy end-use, environmental impact, and renewable and alternative fuels. Currently EIA is also developing a National Energy Modeling System which will be supported by existing EIA models plus additional activities in the areas mentioned above. If confirmed, I would expect to reflect any changes of EIA priorities in future budget requests to Congress.

13. Q What is your attitude about EIA's role as an analyzer and interpreter of energy information? Do you believe that it is appropriate for EIA to offer alternative interpretations of what energy information means?

A EIA's statutory obligation is to provide objective energy data and analysis. In order to supply information which is useful to decisionmakers, EIA must identify and interpret trends in energy supply and demand. It is not EIA's function to recommend policy alternatives but rather to evaluate policy alternatives by ascertaining, to the fullest possible extent, the consequences of those proposed policies. When the data or analyses lend themselves to different and perhaps conflicting interpretations, EIA must consider and present these. When forecasting using historical data and models, EIA must present results which can be objectively supported while clearly stating the assumptions and limitations of the analysis.

14. Q EIA has several data series on energy production and the flow of energy supplies in the economy. There is relatively little information published by EIA on the efficiency of energy use. What do you see as EIA's role in helping to understand the demand side of the U.S. supply-demand situation?

A In the past EIA has responded to concerns about the existing supply of various energy sources. EIA has developed a comprehensive data base and forecasting models in response. Declining domestic petroleum production, increasing dependence on imports, and concerns about potential environmental impacts associated with the production and consumption of energy all serve to focus attention on cost-effective opportunities for reducing energy demand as an alternative to increasing supply. It is my expectation that EIA will need to maintain programs on conventional energy sources while continuing to improve information and analyses of the demand side of the energy market.

RESPONSES TO WRITTEN QUESTIONS
FROM CHAIRMAN J. BENNETT JOHNSTON
BY DAVID H. LEROY
JULY 20, 1990

QUESTION NO. 1: Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, please explain.

ANSWER: No.

QUESTION NO. 2: Have you ever been convicted (including a plea of guilty or nolo contendre) of any criminal violation other than a minor traffic offense?

ANSWER: No.

QUESTION NO. 3: Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

ANSWER: No.

QUESTION NO. 4: Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

ANSWER: No.

QUESTION NO. 5: If you or your spouse have ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

ANSWER: No.

QUESTION NO. 6: During the past ten years, have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

ANSWER: No.

QUESTION NO. 7: Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

ANSWER: No.

QUESTION NO. 8: Were all your taxes (Federal, State, and local) current (filed and paid) as of the date of your nomination hearing? If not, please explain.

ANSWER: Yes.

QUESTION NO. 9: Have all your Federal, State and local taxes always been paid on time? If not, please explain.

ANSWER: Yes.

QUESTION NO. 10: If confirmed, are there any known limitations on your willingness or ability to serve for your full term or until the next Presidential election, whichever is applicable?

ANSWER: No.

QUESTION NO. 11: Please advise the committee of any additional information, favorable or unfavorable, which you think the Committee would want to be aware of in considering your nomination.

ANSWER: None.

QUESTION NO. 12a: Have you given much thought to how you would get started doing this job?

ANSWER: I have given much thought and taken some preliminary steps to familiarize myself with several procedures which would be necessary, if I am confirmed, to create the Office and organize the program. So that support and operations may start immediately on parallel tracks, should I be confirmed, I have (1) initiated an informative contact with OMB on policy and budget matters; (2) contacted GSA and requested details on support services contracts; (3) begun to assemble and organize relevant files and data bases, and (4) consulted with coordinate and related agencies of government, such as the Technical Review Board. On the program side, I have read and been briefed on dozens of historical, factual, political and conceptual matters that will be useful in designing the process for approaching volunteers States and Tribes.

QUESTION NO. 12b: How would you go about contacting potential host States?

**ANSWER:** The initial contact of all States and Tribes would be by a thorough, innovative, well-prepared written proposal or request for proposals. A possible concept model would be the 75-page, April 1987 Invitation for State Proposals used by the DOE which resulted in 43 initial favorable State responses for the SSC Project.

**QUESTION NO. 12c: Would you wait for volunteers to come to you, or would you make the first contact?**

ANSWER: It is possible that volunteer jurisdictions would contact the Office even before the initial proposal is presented to States and Tribes. If so, those possibilities will be immediately pursued, even while the preparation of the proposal goes forward. Otherwise, the proposal or request for proposals may be the first contact.

**QUESTION NO. 12d: Do you feel that the statute requires you to make initial contact in each potential State only with the Governor or his representative?**

ANSWER: Section 403(a) of the statute directs the Negotiator to seek to enter into negotiations with the Governor on behalf of a State. Thus, the initial proposals or requests for proposals should be directed to the Governor and also to the governing body of any Indian Tribe located in that State. Preliminary or familiarization or investigative contacts prior to negotiations may be made with other persons as outlined in the responses to Questions 12e, 12f, 13c, and 13d below.

**QUESTION NO. 12e: Do you feel that the statute would allow you to make informal contact with local officials or business groups within a State?**

ANSWER: I believe that the inherent authority of the Negotiator, as well as the specific authorizations under Section 403(b) relating to consultations and Section 408(9) relating to public hearings and the views of interested parties and the public, require appropriate communication with local officials and business groups.

**QUESTION NO. 12f: Do you feel that the statute would allow you to go into States and talk to people informally simply for the purpose of collecting information and getting a sense of the public sentiment?**

ANSWER: Yes, upon the same rationale discussed in the answer to Question 12e above.

**QUESTION NO. 12g: Would you be constrained from informal communication within a State unless the Governor or his representative had told you that he was interested in having the State be a potential host State?**

**ANSWER:** The Office will always be available to receive communications from State, local or Tribal officials or other affected or interested persons. While negotiations are appropriate only through the Governor for a State, communication is necessary and desirable at all levels.

**QUESTION NO. 13a: How do you anticipate dealing with the State of Nevada?**

ANSWER: For background purposes, I will contact Nevada officials to request appropriate tours or briefings regarding their concerns and interest or lack of interest in hosting the repository as soon as possible and even prior to issuing a proposal or request for proposals. If I am formally advised by the Governor that Nevada has no interest in hosting a repository, I would classify Nevada as a non-potential site for negotiating purposes. If this is done prior to the issuance of proposals, I would still wish to present the proposal or request for proposals to Nevada's Governor at the same time in the future when all of the other States and Tribes are contacted.

**QUESTION NO. 13b: Will you approach Nevada in the same way you approach every other State?**

ANSWER: Essentially yes, as noted above in the answer to Question 13a. However, Nevada, because of the Yucca Mountain site and controversy, does present unique opportunities for possible negotiation, and is a useful basis for study and the forecasting of the political forces and issues which may develop in other potential locations.

**QUESTION NO. 13c: What will you do if you are contacted by local officials in Nevada or State legislators or business people from Nevada?**

ANSWER: After advising them that under the Amendments Act I will negotiate only with the Governor and that it is not appropriate that the Office become directly involved with the local political processes which determine whether the Governor characterizes a State as willing or unwilling to negotiate, I will receive their communication.

**QUESTION NO. 13d: Do you feel that you would be constrained from communication with any such people unless the Governor said it was okay?**

ANSWER: I would not feel prevented in continuing communications with either the Governor or others under the guidelines explained in the answer to Question 13c above.

**QUESTION NO. 14: What will you do to ensure that you remain independent from the Department while at the same time be able to take advantage of the Department's resources and expertise?**

**ANSWER:** While maintaining frequent and appropriate contacts with the Department of Energy at all levels, I will utilize my own staff, outside consultants, and other independent entities of government, such as the Technical Review Board or the States themselves as sources of primary or further data, opinion, and evaluation when making independent judgments as required by the Amendments Act. Functions and offices will be separately maintained from the DOE at all times. When data, personnel, grants or assessments are requested from the Department, as authorized by the Amendments Act, the purpose and relationship of the interaction will be specifically defined. These safeguards will allow a proper pattern of consultation between independent entities, and avoid the necessity of the Negotiator's Office attempting to duplicate costly or time consuming studies or staffing already available.

**QUESTION NO. 15: How will you make sure that you and the Department are not tripping all over each other during the process of trying to find an MRS site?**

ANSWER: The same frequent and appropriate communication discussed in the Answer to Question 14 above, will allow the Negotiator to receive MRS and other information from DOE. The Negotiator's MRS search effort will be conducted independently of the Department, but DOE's experience and ideas will be useful in fashioning our proposal or request for proposals and in following up with interested jurisdictions.

**QUESTION NO. 16: Do you think it is realistic to think that the Negotiator will be able to find a willing host State for a repository or MRS?**

ANSWER: Although there is no guarantee of success, the Negotiator process seems a reasonable alternative method of exploring siting possibilities. It seemed realistic to the Congress in 1987 and I believe it remains so today.

**QUESTION NO. 17: Will it really be politically possible for a Governor to indicate that he would be willing to consider being a host State?**

ANSWER: Only an aggressive effort with an innovative proposal or request for proposals issued to all States and Tribes with appropriate subsequent follow-up can definitively answer this question. As I said in my opening statement before the Committee, both the Governor and the Negotiator must deal honestly and directly with both risk and the perception of risk, even before addressing the potential benefits from a repository or facility. That process will be a sophisticated, highly unique endeavor in practical politics for each interested Governor and State.

**QUESTION NO. 18a: Wouldn't there be incredible political pressure on a Governor to write to the Negotiator and state**

**emphatically that his State is not interested in being a host State for a repository or MRS?**

ANSWER: In several States where the issue of nuclear waste siting is prominent on the public agenda, Governors on their own initiative or in response to requests may well write such letters.

**QUESTION NO. 18b: Are there ways to prevent this?**

ANSWER: The Negotiator should seek a "fair hearing" for the initial proposal or request for proposals from all 50 States. This will be done by presenting that document when it is completed, to the Governors and Tribal Councils of all States and Tribes for their informed consideration as Federal law suggests. It is not appropriate to the role of the Negotiator to seek to prevent local expressions of opinion. Instead, it is the task of the Office to accurately determine whether there is any State or Tribal willingness to negotiate on reasonable terms.

**QUESTION NO. 19: What would you do if the Governors of all 50 States were to write to you saying they were not interested in being a host State?**

ANSWER: I would continue the process of preparing the proposal or request for proposals and submit it to the States, if that had not been completed. Thereafter, I would follow up to determine with each State the circumstances and conditions of the refusals to assess whether those issues or positions offered ideas or possibilities for the reformulation of offers or commencement of negotiations in that State or in other jurisdictions. I will be aggressive and innovative and attempt to exhaust all reasonable possibilities for finding willing hosts.

**QUESTION NO. 20: What types of things do you think would be appropriate to consider including in a benefits package?**

ANSWER: I have not yet determined what components will be necessary or appropriate in a benefits package. The components will probably vary greatly depending upon the needs and circumstances of the volunteer jurisdiction. Frequent consultations will need to be maintained with Congress and OMB to assure that the offered components in a proposed agreement would be deemed reasonable by both the Legislative and Executive branches to permit eventual enactment of the agreement into law.

**QUESTION NO. 21: Do you anticipate focusing most of your attention on finding an MRS site or on finding an alternative repository site?**

ANSWER: The initial proposal or request for proposals will equally feature both the MRS and a repository. Thereafter, whatever indications of interest are received will be used to focus the resources and efforts of the Office.

QUESTION NO. 22: Can I have your assurance that you will discuss the background of this issue with the Committee staff before you take any actions that would involve the Marshall Islands?

ANSWER: As soon as possible after confirmation and before any contact or action related to the Marshall Islands, I will seek a briefing from the Committee staff and any other appropriate sources for this background.

**"Responses to Written Questions**
**from [redacted] by David H. Leroy**
**Nuclear Waste Negotiator-Designate**
**July 18, 1990"**

**Q1: How do you view the negotiator's role in working with the states, the tribes and the Department of Energy?**

A: The initial tasks of the Negotiator are to design a proposal or request for proposals regarding both a permanent repository and a monitored retrievable storage facility, to communicate the same to States and Indian tribes, and to receive some or no indications of interest from potential hosts. If interest is found, the Office becomes a vehicle by which an interested party with a technically qualified site can negotiate a reasonable agreement for presentation to and consideration by the Congress. The Negotiator must maintain an independence from DOE, Congress and other entities of the Federal Government and avoid acquiring any interest in ongoing programs to maintain credibility and maximize the possibility of a successful negotiation. The Office must be a source of and resource for technically accurate, complete, and useful information for those interested in negotiating.

**Q2: John Bartlett has indicated that his office has had discussions with "potentially interested parties" and had developed a new solicitation strategy based upon a package including the MRS, research and development facilities, and support services. What regions of the country and components of a negotiated package do you think are likely to combine in a successful MRS site location strategy, and has the Department of Energy indicated to you a regional preference for an MRS location?**

A: I have not yet formed any opinion as to the components which would be necessary to make an MRS site location negotiation successful. The components will probably be greatly dependent upon the circumstance and needs of the volunteer jurisdiction. The DOE has not indicated to me any regional preference location for an MRS and I have not determined any myself. Obviously all technical and safety requirements must be met whenever siting is considered.

**Q3: Do you anticipate approaching all states and tribes initially to determine their interest in negotiating to host such a facility?**

A: To make the solicitation effort as valuable and as comprehensive as Congress contemplated in the 1987 Amendments Act, I believe all States and Tribes should initially be surveyed with the proposal or request for proposals.

**Q4: Do you consider your home state as a potential site for either an MRS or permanent repository?**

A: Because the willingness of States to negotiate is determined by the States own leadership, every state, including Idaho, is a potential site until that leadership formally advises the Negotiator otherwise.

**Q5: What staff structure do you anticipate for the Negotiator's office and what technical resources do you contemplate using in order to evaluate potential volunteer states or tribes?**

A: Ten positions are currently authorized for the start up of the Office. The Office must have expertise and activity in the following areas: (1) Scientific Evaluations (2) State and Tribal Relations (3) Congressional Relations (4) Risk Assessment (5) Community Relations (6) Negotiations (7) Communications (8) Administration (9) Legal (10) Executive Department Liaison. The staff should be structured with due regard to those and other considerations. GSA will be utilized for basic support services.

As appropriate, outside consultants and technical resources should be employed by the Office so that unbiased, qualified, independent, scientifically reliable sources can contribute to the decisions or negotiations called for by the Amendments Act. Where they can contribute to the required, timely, or useful movement of the process, the Negotiator should use Sections 408(4) and 408(6) to receive services, personnel, and facilities from federal, state, tribal or private entities taking appropriate precautions to maintain the integrity and independence of the Negotiator's Office.

**Q6: Have you had preliminary briefings or discussions with any state, local, or tribal officials who may be interested in commencing negotiations?**

A: No.

**Q7: Since the Governor of Nevada has indicated that the state will not accept the repository under any circumstances, will you still attempt to negotiate with him or any other Nevada officials?**

A: If I am formally advised by the Governor of Nevada that your state has no interest in hosting a repository, I would classify Nevada as a non-potential site for negotiating purposes. Section 403(a)(A)(i) of the Amendments Act identifies the Governor, unless state law otherwise specifies, as the person with whom negotiations are authorized, and I will respect that limitation and not attempt to negotiate with other officials.

**Q8: What qualifications do you possess that will be especially helpful in your role as negotiator?**

A: I believe that my service in state level political office, working with Governors, Indian Tribes, Legislatures, federal nuclear facilities, Congress, and Executive Departments on land, water, social service, transportation, environmental, legal, and compensation issues will be especially helpful in assuming this task.

**Q9: Since you have been an elected official and candidate in the past, is it your intention to abstain from partisan political activities or consulting during your tenure as the Nuclear Waste Negotiator?**

A: I currently hold no elected or political party office in Idaho. I am nominal campaign co-chairman for a local state senate campaign, but have no other current consulting role. If confirmed, I will comply with all applicable provisions of the Hatch Act.

**Q10: Do you have any business relationship that could constitute potential conflicts of interest with your responsibilities as Negotiator?**

A: No. I have no such relationship and I have agreed to comply with all applicable Office of Government Ethics guidelines routinely given to Presidential Nominees.

**Q11: Once a Governor has declined to enter into negotiations, would it be your intention to exclude that state and other state or local officials from further consultation or attempted negotiations?**

A: Negotiations can be undertaken only with the Governor as outlined in the answer to Question 7 above. The Office would always be available to receive communications or consultations from state, local or tribal officials. However, it is not appropriate under the Amendments Act for the Negotiator to become directly involved in the local political processes which determine whether the Governor characterizes a State as willing or unwilling to negotiate.

**Q12: How would you resolve the conflict that would result if a tribe was willing to negotiate but the Governor of the state in which the tribe was located will not negotiate?**

A: The obligation of the Negotiator is to report to the Congress a negotiated, reasonable agreement which, if enacted into law can be implemented and acted upon with the cooperation or concurrence of affected jurisdictions. Since it is uncertain that an agreement could ever be implemented without the support or permission of the State in which a repository or facility is located, I believe the Negotiator should negotiate and consult with both the Governor and tribal leaders in the instance where a possible site is located on Indian lands.

**Q13: Is it your intention to negotiate on transportation related issues with states through which waste will be transported to the MRS or permanent repository, or states surrounding the proposed facility that may be directly affected by its proximity?**

A: Yes. Prior to presenting an agreement to Congress, the Negotiator should consult with States and other jurisdictions affected by transportation or proximity issues.

**Q14: In the content of negotiating with Governor's and other governmental officials, you will no doubt gain much confidential information about state and tribal waste management public policy that might very well be of commercial value to non-nuclear hazardous waste commercial ventures. Would you agree not to be compensated, as a consultant or otherwise, by such firms after your term as Nuclear Waste Negotiator has ended?**

A: Confidentiality and credibility are important to the conduct of the Negotiator's office. I would agree not to use any confidential information acquired during the conduct of official business for other than that purpose and would require the same of all staff, contractors, and consultants.

**Q15: Where do you intend to maintain your office after your confirmation?**

A: I have proposed to place the principal office in Boise, Idaho with an appropriate liaison office in Washington, D.C. If negotiations are commenced, other site specific offices may become necessary.

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"Responses to Written Questions
from [redacted] by David H. Leroy
Nuclear Waste Negotiator-Designate
July 18, 1990"

**Q1A: Based on your briefings with the Administration, are there indications that States or Indian Tribes would eagerly embrace the opportunity to host a high level waste repository?**

A: I have received no indication that any State or Tribe would currently be willing to enter into negotiations as a repository site.

**Q1B: If so, what do you see as their prime motivation?**

A: Not applicable.

**Q1C: If not, what makes you think that you would be successful in identifying suitable candidates other than on Federal lands?**

A: Since the Office is independent of the Department of Energy, Congress, and other agencies of the Federal Government and has no vested interest in any program operation, it may have more credibility with States or Tribes. An innovative proposal or a request for proposals broadly presented to every State and Tribe may generate indications of interest for either a repository or a monitored retrievable storage facility. Although there is no guarantee of success, this original design of the Congress in the 1987 Amendments Act seems a reasonable alternative method of exploring siting possibilities. Because States or Tribes themselves indicate interest or no interest, the process provides a realistic ascertainment of local, tribal and state level political conditions and interest related to siting.

**Q1D: Are we looking at just another way to justify the selection of Federal land?**

A: No, I believe the States should be consulted even if Federal lands are involved.

**Q2: The experience of the public and elected decisionmakers in the State of Nevada as the Federal Government attempts to justify the adequacy of the Yucca Mountain site is one of contempt for a process that is not objective. What assurances can you give us that you will be objective in the site selection process?**

A: The negotiator neither makes nor defends any initial site selection, but instead is merely a vehicle by which a willing host may reach a reasonable agreement which is presented to the Congress for its consideration. In the determination of whether to commence negotiations, the Negotiator must reach an independent judgment, as authorized by the Amendments Act, of whether a site is technically qualified. All available state, tribal and federal resources should be consulted, but unbiased, qualified independent, scientifically reliable sources should be employed by the Negotiator to guide this decision objectively and without undue regard for the conclusions of any interested party. A strong and qualified staff using consultants as appropriate, with a careful understanding of their specific role within the Office of the Negotiator, and maintaining their independence from other departments or agencies of the Federal government, can present a credible negotiating opportunity to interested States or Tribes.

Q3(a)(1) **How long do you expect it will take to solicit proposals from each of the 50 States, numerous Indian Tribes, and Federal agencies?**

A: Until I determine the exact nature of the proposal or request for proposals that would be issued by the Negotiator, I am unable to estimate a timetable.

Q3(a)(2) **Will this be a thorough exercise?**

A: It must be a thorough exercise to accomplish the purposes of Congress and should initially include all States and Tribes.

Q3(a)(3) **Will you compel Governors, etc. to submit candidate sites?**

A: The Negotiator has no authority to attempt to compel any participation by any party in this process. It is purely voluntary.

Q3(a)(4) **What mandate will you get from the President to operate in an unfettered manner to encourage submittals?**

A: There is no limitation of any type placed on the Negotiator by the President. Under a 1988 Amendment the post was removed from the Executive Office of the President and made an independent establishment in the Executive Branch. Frequent consultations will need to be maintained with Congress and OMB to assure that the budget and policy impacts of any proposed agreement would be deemed reasonable by both the Legislative and Executive Branches to permit the enactment of the agreement into law.

Q3(a)(5) **Will you divide the time of your Office equitably among all those organizations (Governors offices, etc.)**

**throughout the Nation or is this just another opportunity to focus on Nevada?**

A: After, the initial broad survey for ascertainment of interest, the Negotiator must focus the time and other resources of the Office on interested, willing hosts with technically qualified sites. If I am formally advised by the Governor of Nevada that your State has no interest in being a host, I would classify Nevada as a non-potential site for negotiating purposes.

**3(b) Generally, how long do you think it will take for a site suitability study including the field programs to be completed?**

A: The answer to this question cannot be estimated because the time could vary greatly depending upon the type of repository or facility, the technology employed, and the particular site characteristics. Differing procedural, institutional and oversight arrangements will also create time variations in the process of determining suitability.

**3(c) The Nuclear Regulatory Commission will be required to review the application for permission to construct such a facility. Have they developed the review criteria yet? What actions need to be undertaken by the NRC to be in a position to evaluate such an application? Is the 3 year time limit on the NRC adequate in your view to evaluate such an application?**

A: I have not yet received a briefing from the NRC on these questions. If confirmed, I will consult with the appropriate NRC officials and report my findings to you.

**3(d) What would be the nature of the public hearing process during the course of site selection and negotiations?**

A: Because the negotiation process must be sensitive to local political conditions, the Amendments Act in Section 408(a) authorizes the Negotiator to hold such hearings "as are necessary to determine the views of interested parties and the general public". An agreement presented to the Congress as reasonable, must also be reasonable from the host jurisdiction's point of view. ~~as it is specifically subject to criticism or disapproval by referendum or act of the Legislature, under Section 403(B).~~ Thus, public hearings should be sufficiently frequent and conveniently located to present information to and receive reactions from a broad cross-section of the affected populace for the purpose of accurately informing the State or Tribal government, the Congress and the Negotiator of host political conditions.

**3(e) How long would it take for the completion of the environmental assessment, site characterization, Environmental Impact Statement process to run its course?**

A: As with the answer to Question 3(b) above, the timetable would vary greatly with the particular repository or facility, technology and site being considered and the procedural and institutional arrangements.

**3(f) With the setting of each of the components described above, it appears that it would take a considerable time to get to fruition. How do you reconcile this with the fact that your job will cease to exit in 1992 (the earlier of 5 years after enactment of the 1987 amendments or the enactment of legislation to implement an agreement)? Is it likely that you can enter into an agreement within the next 2 years?**

A: The initial tasks of the Negotiator in designing a proposal or request for proposals, communicating the same, and receiving some or no indications of interest can be accomplished before the Office is due to expire in January of 1993. Negotiations will hopefully be commenced or seem feasible within that time span. If not, the Office should be terminated.

**3(g) Since you are so late in getting started, can you be constructive at all over the next two years?**

A: I believe the Office can offer a very constructive and previously untried approach to siting. It is significantly in the national interest to better understand and to try to solve the political questions leading to co-operative state participation in this process.